



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Planning Committee

Date: **Wednesday 22 February 2017**

---

Time: **6.00 pm**

---

Place: **Council Chamber, Civic Centre.**

---

For any further information please contact:

**Lyndsey Parnell**

Senior Elections and Members' Services Officer

0115 901 3910

---

# Planning Committee

## Membership

**Chair**                      Councillor John Truscott

**Vice-Chair**                Councillor Barbara Miller

Councillor Michael Adams  
Councillor Pauline Allan  
Councillor Chris Barnfather  
Councillor Alan Bexon  
Councillor Bob Collis  
Councillor Kevin Doyle  
Councillor David Ellis  
Councillor Gary Gregory  
Councillor Meredith Lawrence  
Councillor Marje Paling  
Councillor Colin Powell  
Councillor Paul Stirland  
Councillor Paul Wilkinson  
Councillor Henry Wheeler

# AGENDA

Page

1. Apologies for Absence and Substitutions.
2. To approve, as a correct record, the minutes of the meeting held on 25 January 2017. 5 - 8  
  
Planning Committee Protocol.
3. Declaration of Interests
4. Application No. 2016/0306- Land At Glebe Farm, Glebe Drive, Burton Joyce, Nottinghamshire. 13 - 56
5. Application No. 2016/0989- 284 Longdale Lane, Ravenshead, Nottinghamshire, NG15 9AH. 57 - 66
6. Application No. 2016/1011- 42 Bank Hill, Woodborough, Nottinghamshire, NG14 6EF 67 - 74
7. Application No. 2016/1033- 2 Sandford Road, Mapperley, Nottinghamshire, NG3 6AL. 75 - 100
8. Application No. 2016/1062- Gedling Country Park, Spring Lane, Gedling, Nottinghamshire. 101 - 112
9. Planning Enforcement Reference 0029/2014- Land and buildings at 8 Shorwell Road, Carlton, NG3 7HG. 113 - 118
10. Planning Enforcement Reference 0010/2017- 1 Central Avenue South, Arnold. NG5 6NG. 119 - 124
11. Appeal Decision 2013/0836- Cornwater Fields, Longdale Lane, Ravenshead. 125 - 126
12. Appeal Decision 2016/0534- 19 Kighill Lane, Ravenshead. 127 - 128
13. Planning Delegation Panel Action Sheets 129 - 136
14. Future Planning Applications 137 - 138
15. Any other items which the Chair considers urgent.

This page is intentionally left blank

## **MINUTES PLANNING COMMITTEE**

**Wednesday 25 January 2017**

Councillor John Truscott (Chair)

In Attendance:      Councillor Barbara Miller      Councillor Meredith Lawrence  
                         Councillor Michael Adams      Councillor Marje Paling  
                         Councillor Chris Barnfather      Councillor Colin Powell  
                         Councillor Alan Bexon      Councillor Paul Stirland  
                         Councillor Bob Collis      Councillor Paul Wilkinson  
                         Councillor Kevin Doyle      Councillor Henry Wheeler  
                         Councillor David Ellis      Councillor Jim Creamer  
                         Councillor Gary Gregory

Absent:                      Councillor Pauline Allan

Officers in Attendance:      D Gray, N Morley, C Goodall, J Gray, S Oleksiw and F Whyley

### **15                      APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Councillor Creamer attended as a substitute for Councillor Allen, who had given apologies for absence.

### **16                      TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 21 DECEMBER 2016.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record, subject to the following amendments:

That Mike Avery, Tina Cook (Nottinghamshire County Council) and Clive Wood (Nottinghamshire County Council) be noted as in attendance.

### **17                      DECLARATION OF INTERESTS**

The Chair declared a collective non pecuniary interest on behalf of all members of the committee in application number 2016/1106 as Gedling Borough Council was in ownership of the land under consideration.

### **18                      FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT 2016**

The Service Manager Planning Policy introduced the report, which had been circulated prior to the meeting, asking that Members note the content of the Five Year Housing Supply Assessment 2016 for the purposes of determining planning applications.

**RESOLVED:**

That Planning Committee note the content of the Five Year Housing Land Supply Assessment 2016.

**19 APPLICATION NO. 2016/0989- 284 LONGDALE LANE, RAVENSHEAD, NOTTINGHAMSHIRE, NG15 9AH.**

Item withdrawn prior to the meeting.

**20 APPLICATION NO. 2016/1106- 19 NELL GWYN CRESCENT, BESTWOOD, NOTTINGHAMSHIRE, NG5 8NQ.**

Proposed new single family dwelling.

The Principal Planning Officer introduced the report.

**RESOLVED:**

**TO REFUSE PLANNING PERMISSION.**

1. In the opinion of the Borough Council the proposed new dwelling in the rear garden of no.19 Nell Gwyn Crescent would result in an incongruous feature within the streetscene resulting in a significant adverse impact on the character of the area by virtue of the impact on an important incidental open space which provides an amenity area for local residents. The proposed development, by virtue of its siting close to the back edge of an existing incidental open space, would result in an overly dominant feature that would appear cramped and dominant in its location and out of character with the pattern of development in the area. The proposal would therefore be contrary to Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy (September 2014), Saved Policy H7 of the Gedling Borough Replacement Local Plan (2014) and the advice contained within the NPPF.

**21 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**22 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**23 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 6.48 pm

Signed by Chair:  
Date:

This page is intentionally left blank

## **PLANNING COMMITTEE PROTOCOL**

### **Introduction**

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

### **Disclosable Pecuniary and Non- Pecuniary Interests**

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

### **Pre-determination and Predisposition**

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

### **Lobbying**

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

### **Roles at Planning Committee**

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

### **Speaking at Planning Committee**

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

### **Determination of planning applications**

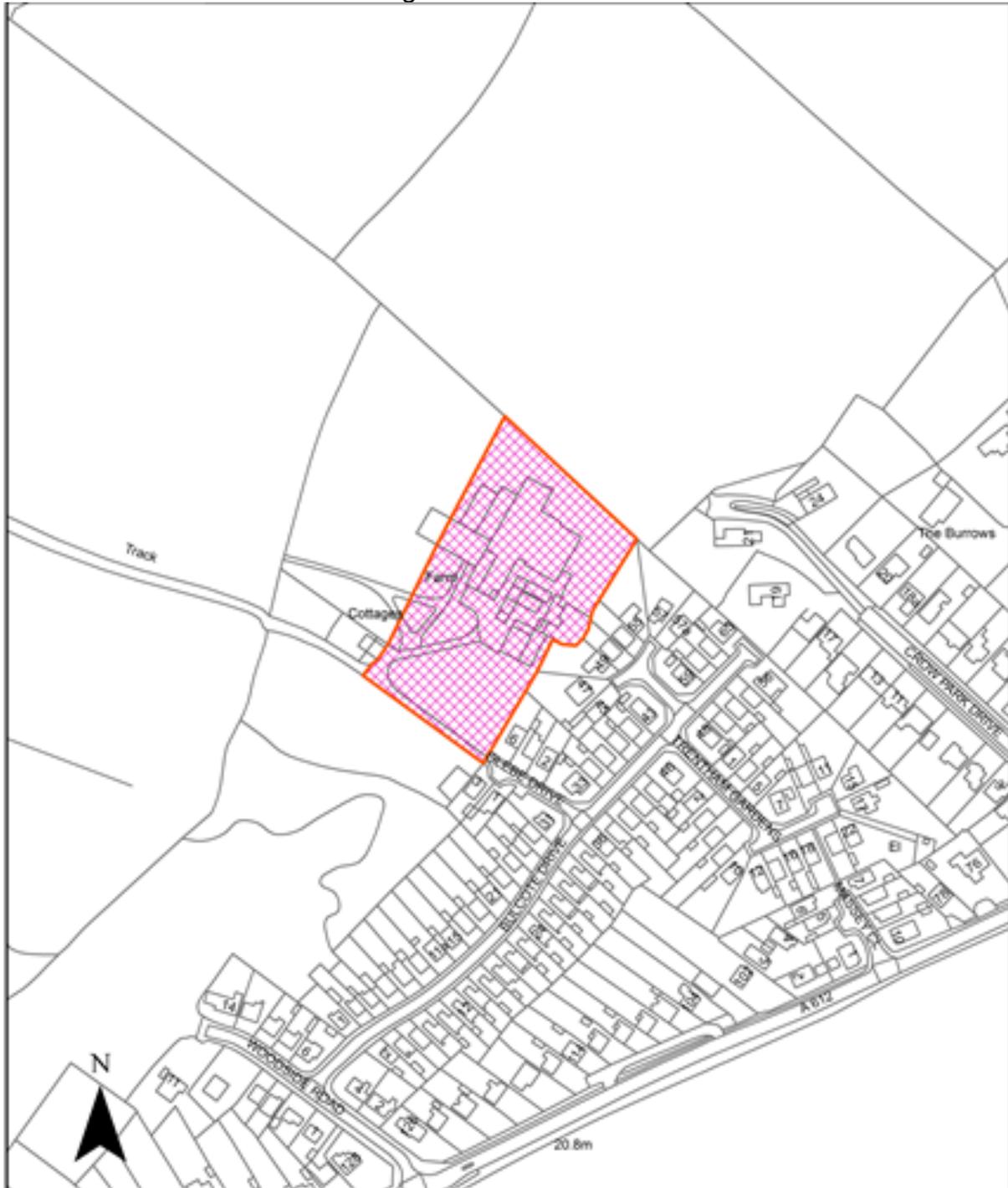
19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

Oct 2015

This page is intentionally left blank



**Application Number:** 2016/0306  
**Location:** Land At Glebe Farm, Glebe Drive, Burton Joyce, Nottinghamshire.



**NOTE:**  
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings

## **Report to Planning Committee**

**Application Number:** 2016/0306

**Location:** Land At Glebe Farm, Glebe Drive, Burton Joyce, Nottinghamshire.

**Proposal:** Revised Plans, Revised Red Line Plan and Revised Description: Outline Application with All Matters Reserved (except access) for up to 14 New Residential Dwellings with the demolition of existing structures and retention of the existing farm house and outbuildings; provision of access to the site, associated infrastructure works.

**Applicant:** Troyal Farms Ltd

**Agent:** Mr John Holmes

**Case Officer:** David Gray

**The application is a major development, therefore, in line with the Council's Constitution this application has been referred to Planning Committee.**

### **1.0 Site Description**

- 1.1 The application site, Glebe Farm, measures approximately 1.2 hectares and relates to a disused agricultural farm holding comprising various agricultural steel framed barns; brick built barns with pan tile roofs and a disused farmhouse. The remainder of the site is overgrown with areas of hardstanding.
- 1.2 Access to the application site is from northwest spur of the cul-de-sac of Glebe Drive which is currently gated and in operation as access for farm vehicles. Glebe Drive is characterised on either side by residential bungalows which are set at a higher level than the adjoining highway. The application site rises steeply in level from the access in the south corner of the site up to the north corner of the application site. There are areas of hardstanding and deposited broken stone aggregate adjacent to the access of the site.
- 1.3 The application site backs onto split level properties situated at the turning head of the cul-de-sac of Bulcote Drive. There is a significant rise in level from the rear boundaries of these properties to the application site. Adjacent to the shared boundaries along the southeast boundary of the application site there is significant mature vegetation and trees.

- 1.4 To the north and east of the application site is agricultural land within the established Green Belt of Nottinghamshire and a Mature Landscape Area as defined by the Proposals Map of the Gedling Borough Council Replacement Local Plan.
- 1.5 The southwest boundary of the site adjoins existing woodland covered by the Group Tree Preservation Order G0200 known as New Plantation, Nottingham Road. There is existing farm access from Woodside Road.
- 1.6 Adjacent to the Northwest corner of the application site there are a pair of empty semi-detached cottages and associated curtilage.
- 1.7 Beyond Glebe Farm, farmland rises northwards to a localised east-to-west ridgeline, there are various hedges and vegetation demarking field boundaries.
- 1.8 The most recent landscape character area assessments have been undertaken as part of Nottinghamshire Landscape Character Assessment 2009 which includes the site within the Mid Nottinghamshire Farmland landscape character area (Policy Zone MN0 45 – Dumbles Rolling Farmland).
- 1.9 The application site is all located within the Green Belt of Nottinghamshire as defined by the Proposals Map of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

## **2.0 Relevant Planning History**

- 2.1 In May 2016 the applicant sought the Prior Notification of the Borough Council for the Erection of a Grain Store and General Purpose Store. Further details were required for Prior Approval (ref: 2016/0614PN).
- 2.2 In July 2016 the Prior Notification of the Borough Council was sought for the change of use of an existing building no longer suitable for modern agriculture to industrial storage and offices. No further details were required and the development is permitted under The General Permitted Development Order 2015.
- 2.3 In September 2016 the Prior Notification of the Borough Council was sought for a steel portal framed building up to 465 square meters with a height of 12 metres. No further details were required and the development is permitted under The General Permitted Development Order 2015.

## **3.0 Proposed Development**

- 3.1 In March 2016 a Planning Application was received for an Outline Planning Application for up to 45 new residential dwellings with all matters reserved. Following extensive negotiations with planning officers significant amendments have been made to the proposal.
- 3.2 In November 2016 an updated scheme was received by the Borough Council.

Outline Planning Permission is now sought for up to 14 new residential dwellings and the retention and renovation of the existing farmhouse.

All matters are reserved at this point except the proposed access.

3.3 The sole access to the site would be via the existing agricultural access located at the northwest spur of Glebe Drive.

3.4 Supporting information has been submitted by the agent including:

- A Design and Access Statement;
- Site Analysis;
- Illustrative Masterplan;
- Planning Statement;
- Landscape and Visual Appraisal;
- Highways Report;
- Ecological Surveys: (1) Phase 1 Survey; (2) Farmhouse and Building Bat Survey; (3) Glebe Farm Cottages Bat Survey.
- Flood Risk Assessment;
- Archaeological Assessment; and
- Contaminated Land: Phase 1 Desk Study.

3.5 The agent has forwarded the following 'very special circumstances' in which they wish the Borough Council to consider in favour of the development given its location within the Green Belt.

1. Existing Use and Condition of the Site:

- The site does not perform an important Green Belt function. It does not lie in the Green Gap between Burton Joyce and the Urban Area; and given the extensive built form on the site it do not contribute to openness, safeguard the countryside from encroachment or check unrestricted sprawl of large built up areas. Its redevelopment would therefore not damage any of the five purposes of the Green Belt stated in paragraph 80 of the NPPF.
- Redevelopment of a 'previously developed site' which is in poor condition;
- The unviability of the site to support intensive livestock farming due to the surrounding residential area and the condition of the site;
- The benefits in preserving the residential amenity of the area by re-developing the site for residential use instead of the potential re-use of the site for logistics as per existing permitted development.

2. Openness and Visual Amenity

- A significant reduction in built footprint and built volumes;
- The benefits that would result from the removal of the existing dilapidated buildings on the site together with the removal of the adverse impact that the existing buildings have on the landscape character of the area and openness of the Green Belt;
- The benefits that would result from the removal of the dilapidated

buildings on site which adversely impact on the openness of the Green Belt;

- The proposed residential development would be in keeping with the character of the area and would form a natural extension to the existing settlement boundary;
- The proposal would strengthen the Green Belt boundary through strategic landscaping, also preventing further encroachment in to the countryside.

### 3. Sustainable Development:

- The site is in a sustainable location being served by public transport links and local services and amenities available within Burton Joyce;
- The proposal would provide environmental benefits in terms of ecology, through the landscaping scheme increasing opportunities for wildlife and habitats on the site, and also drainage through implementing a scheme which manages surface water run-off. In addition to the benefits described above in relation to landscape character, visual and residential amenity, the proposal would evidently result in a sustainable development;
- The proposal would support sustainable economic development through the construction of the site and further investment in the Burton Joyce area.

### 4. Housing Supply

- The lack of a 5 year land supply in Gedling Borough;
- The specific lack of proposed housing in the Draft Local Plan to address the housing needs of Burton Joyce, as identified in the Housing Needs Paper (2016).

### 5. Access

- The applicant has confirmed that the agricultural land, outside of the application site, has a full and unrestricted right of access/way from Lambley Lane, Burton Joyce.
- Following completion of the requisite consents the new farm access from Woodside Road would be utilised for HGV's and Tractors serving the agricultural holding.
- Access to the Farm from Glebe Drive for HGV's and Tractors would be terminated.

## **4.0 Consultations**

### **4.1 Burton Joyce Parish Council –**

The Parish Council object to the proposal on the following grounds (These comments were received in relation to the first submission for up to 45 dwellings 26<sup>th</sup> July 2016):

#### **4.1.1 Green Belt**

The application is within the Green Belt. The proposed site is within a narrow and sensitive gap between Burton Joyce and the Urban Area and it should be protected to prevent coalescence and encroachment contrary to the purpose of Policy 3.3.2 of the ACS

#### 4.1.2 Landscape

The proposal would have an adverse impact on the Mature Landscape Area contrary to Policy 3.3 of the ACS. There is a localised high point towards the northern edge of the site which is more sensitive than the rest and should be protected from development.

Mitigation via the means of planting woodland would take many years before it would sufficiently visually mitigate the development.

#### 4.1.3 Highways

Concerns are raised over the access to the site from Woodside Road. In the opinion of the Parish Council neither Woodside Road nor any of the other roads are suitable for the additional traffic that would be generated. Residents already report issues relating to the widths of roads in the area causing problems.

The gradient of the landscape would not support the road system of the proposed new housing development.

The Parish highlight a discrepancy in the planning statement relating to the number of existing vehicle movements from the farm being 60; this is contested by neighbouring residents whom state it is much less.

#### 4.1.4 Drainage Systems and Flood Risk

Object on drainage systems and associated flood risks. The proposed site is on a relatively steep slope. Homes on Glebe Drive, Bulcote Drive and Woodside already suffer significant localised flooding and it is felt that this development would exacerbate this problem with surface water run-off. Photographic evidence has been provided showing evidence of flooding in the area. Significant more hardstanding proposed would further increase flooding in the area.

#### 4.1.5 Housing Needs

The Parish Council is clear that the proposed development and housing type does not meet the needs of an ageing population, any new development in Burton Joyce should focus on smaller units to allow older residents to downsize. There is also a need for starter homes to allow younger people to remain in or move into the village.

The requirement for new housing would be met without the need to redevelop the Green Belt and Glebe Farm.

The local schools are already at full capacity.

Reference is made to Building for Life 12 assessment which is inaccurate in

this instance.

- 4.1.6 Following receipt of the revised plans the following representations were made by the Parish Council: -

The Parish Council does not accept that the revised application addresses the issues raised regarding the proposed development being on Green Belt Land, Landscape Implications, Highways Impacts, Drainage, and Housing Needs. The previous comments are still relevant.

## **4.2 Nottinghamshire County Council:**

### 4.2.1 Arboricultural –

The site does have a number of trees which may be affected such as:

1. Trees which are to be retained within the site boundary;
2. Trees on private land / adjoining boundaries;
3. Adjacent TPO woodland on the south western side of the proposed access.

Recommends that a Tree Survey in accordance to BS 5837:2012 should contain the following;

1. Tree constraints plan
2. Tree protection plan
3. Arboricultural Impact assessment
4. Arboricultural Method Statement
5. Details of any special engineering works and surfacing required in the vicinity of trees.

### 4.2.2 Archaeology –

No comments received.

### 4.2.3 Ecology –

No comments received.

### 4.2.4 Education –

A proposed development of 14 dwellings would yield an additional 3 primary places and 2 secondary places. The County Council would therefore wish to seek an education contribution of £34,365 (3 x £11,455) to provide primary provision at Burton Joyce Primary school (or another primary school in the area) and £34,520 (2 x £17,260) to accommodate the additional secondary pupils projected to arise from the proposed development.

### 4.2.5 Highway Authority –

#### General Observations

The planning application covers an area of agricultural land to the North of

Glebe Drive, Burton Joyce on which a derelict farmhouse and outbuildings are located. There is an existing agricultural access onto the land from Glebe Drive which historically has been used and continues to be used as part of the existing farming operation.

Glebe Drive itself is a small cul-de-sac with 5 bungalows and also provides an access to a garage for a property located on the adjacent Bulcote Drive. The access to the proposed development is at the end of Glebe Drive.

Whether at the time of construction, Glebe Drive was ever envisaged as being an access point to further development is difficult to establish. However given the existing width of the carriageway (4.3m) and footways (western side 1.4m wide and eastern side 1.35m wide) together with the inclusion of a turning head at the end of the road there is a suggestion that such future development accessed from this part of the highway network was not planned.

#### Proposed Access

Previously the applicant has proposed access to the development via a new highway from Woodside Road. At that time the Highway Authority were of the view that this proposal was acceptable from a technical view as it allowed a highway to be constructed to current standards and specifications. Since that time the Highway Authority have been advised by the Local Planning Authority that such a proposal is not possible due to Green Belt considerations. The applicant has therefore proposed a smaller development but with access from Glebe Drive. Although advised that the existing width of the highway at Glebe Drive was insufficient to meet with current specifications contained within the Highway Authority's highway technical guidance document, the applicant has made a number of suggestions with respect to the reconfiguration of Glebe Drive and has proposed as part of their application that the option that it puts forward as being the most suitable and viable is shown on Drawing ADC1354/001B. This is for a 0.5m wide margin on the western side of a 4.8m wide carriageway, leaving a 1.7m wide footway on the eastern side.

#### Highway Authority Considerations

The Highway Authority in considering this proposal has to be mindful of the fact that as a statutory consultee it comments on the technical aspects related to the highway elements of the application and that in comparing proposals with its technical guidance document it has to be reasonable in the interpretation of the guidance in line with the requirements contained within national planning legislation.

Having reviewed the applicants current proposal it is evident that whilst it does not meet with the preferred specifications for a highway accessing the type of development being proposed, it is a solution that Highway Authority road safety specialists cannot establish reasonable grounds for refusal i.e. there are other similar arrangements within the County and no doubt the rest of the

Country which operate safely.

In addition it is understood that the applicant has offered, although not included within the current application, to provide five parking spaces at a point off the new road just beyond the existing Glebe Drive extent that would serve as additional parking to the five existing properties on Glebe Drive. Given that car ownership levels have increased since the original properties were constructed on Glebe Drive this is seen as a potential benefit for residents and would assist in ensuring the free passage of vehicles along the road.

Based upon the above, whilst the Highway Authority would have preferred to see an access via Woodside Road, it is of the view that the applicant's proposal as shown on Drawing ADC1354/001B provides a reasonable solution which the Authority can offer no technical objection to.

### Bus Service Support

Nottingham City Transport Service 100 is operated commercially offering a 30 minute service between Nottingham and Southwell. In addition Nottinghamshire County Council support an off-peak shopping service from Burton Joyce to Netherfield Retail Park.

The Council has conducted an initial assessment of this site in the context of the local public transport network.

**Due to the scale of this development it is not envisaged at this time that contributions towards local bus service provision will be sought.**

### Infrastructure

Current Infrastructure

The current infrastructure observations from Transport & Travel Services photographic records are as follows:

GE0235 Woodside Road – Polycarbonate Bus Shelter

GE0236 Woodside Road – Polycarbonate Bus Shelter, Raised Kerb and Layby

The above bus stops are situated on the busy A612 which allows residents to access bus services to both Nottingham and Southwell.

Possible Infrastructure Improvements

GE0235 Woodside Road – Raised Kerb, Enforceable Bus Stop Clearway and Real Time Pole & Displays including Associated Electrical Connections.

GE0236 Woodside Road – Enforceable Bus Stop Clearway and Real Time Pole & Displays including Associated Electrical Connections.

Taking into account the above, the Highway Authority offers no objection to conditions relating to turning facilities, access widths gradients, surfacing streetlights, works to the existing carriageway on Glebe Drive, and a Construction Management Plan.

#### 4.2.6 Landscape –

No comments received.

#### 4.2.7 Lead Local Flood Authority –

FRA and drainage strategy is generally acceptable, subject to conditions in respect of details of the Sustainable Urban Drainage Systems. The development should not result in any additional flood risk or surface water drainage issues.

#### 4.3 Environment Agency

No comments, the Lead Local Flood Authority should be consulted.

#### 4.4 Severn Trent Water

No comments received.

#### 4.5 Nottinghamshire Wildlife Trust

- We welcome the provision of the ecological survey reports. One of the issues the LPA should consider when determining this planning application is the status/ value of part of the Local Wildlife Site which the access road has been constructed on. In this context I wish to draw attention to NPPF paragraph 113:

“Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks”.

- Paragraph 5.2 of the access road ecological survey report recommends “A management plan should be developed and framed within a planning condition to ensure the long-term provision for reptiles to utilise this area of the Local Wildlife Site”. NPPF paragraph 109 states the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity. Therefore, securing the management plan for the woodland area is important and as such we normally recommend that, in order to secure this, such information is agreed prior to determination.

#### 4.6 NHS England

The revised calculation for the s106 contribution equates to £13,591.00 to reflect the reduction in units proposed. It is requested that the funding is received on commencement of building so that works can be done in advance of the increase in demand for primary care services.

#### 4.7 Police Architectural Liaison

No comments received.

#### 4.8 Economic Development

The agricultural site has not been occupied for a number of years so would not result in the loss of any jobs.

The size of the site and the number of dwellings to be built meet the Council's thresholds to implement the Construction Industry Training Board (CITB) to create work and opportunities during the term of the build. This should form part of the s106.

#### 4.9 Housing Strategy

The development should be in accordance with the up to date SPD.

#### 4.10 Public Protection (Scientific Officer)

There is potential for contamination at the site, however there are no outstanding land contamination concerns, subject to site characterisation and the submission of a remediation scheme. These details can be secured by condition.

#### 4.11 Parks and Street Care

10% Open Space provision should be provided on site.

40% of the open space should be provided for play provision and informal sports facility.

#### 4.12 Planning Policy

The harm to the Green Belt in terms of the purposes of Green Belt should be identified and whether the identified 'very special circumstances' outweigh this harm and any other harm should be considered. Consideration will need to be given to any very special circumstances identified and to the comments of County Highways regarding access.

#### 4.13 Neighbouring Properties were notified and a Site and Press Notice were posted:

1. The original plans on 13<sup>th</sup> April 2016: Up to 45 dwellings.
2. The Revised Plans on 27<sup>th</sup> July 2016: Up to 45 dwellings.
3. The Revised Plans and Red Line Plan 14<sup>th</sup> November 2016: Up to 14 dwellings and the retention of the Farmhouse.

A total of 109 Letters of representation were received as a result. The comments can be outlined as follows: -

#### 4.13.1 Green Belt

- The site is located within the Green Belt and is inappropriate development;
- The site has no defensible boundaries to the North, East and West;
- If the application is granted fears are raised that this would result in further development of the Green Belt in this area;
- The Gelding Borough Council Draft Plan excludes Glebe Farm from allocation;

#### 4.13.2 Access, Highways, and Transport

- Access to the farm from Woodside Road is covered under a rights of access over an adjoining residential property;
- The junction at Woodside Road is insufficient for an extra 90 cars;
- Turning from Woodside Road by car is particularly difficult;
- There would be a significant increase in traffic on the A612;
- Nottinghamshire Highway Authority has stated that Glebe Drive, Bulcote Drive, and Woodside Road cannot withstand additional traffic;
- Glebe Drive is not big enough and is too steep to accommodate highway construction;
- Extra cars serving the development would make it difficult for pedestrians to cross the A612 to get the bus;
- Glebe Farm is only meant to be used by farm vehicles;
- The road is too narrow to provide for construction vehicles;
- The development could result in the relocation of two existing bus stops and constructing traffic lights with the purchase of different land and a great deal of unnecessary expenditure;

#### 4.13.3 Residential Amenity

- The proposed development would have a substantial impact on the amenity of adjoining neighbours, due to the height, and overlooking over the rear boundaries;
- By reason of the size and density of the buildings the proposal would have an unacceptable relationship with adjoining properties;
- There would be significant noise and disturbance during construction;
- Due to the development being significantly higher than the adjoining properties it could result in an unacceptable loss of privacy;

#### 4.13.4 Local Landscape

- Skyline developments have a negative visual impact;
- The scale mass and bulk of the proposal would have a negative impact on the local landscape, given its elevated position.

#### 4.13.5 Flooding and Drainage

- Concerns are raised over the potential for localised flooding due to surface water runoff;
- Bulcote Drive already experiences flood problems;
- The Drainage system currently present would be unable to cope with the additional development;
- The elevated site would worsen the current flooding problems;

#### 4.13.6 Ecology

- The adjacent woodland contains a mixture of wildlife including badgers, bats, native birds, and protected trees;
- Barn Owls currently nest at the site;
- Badgers are present on the site;
- It needs to be established whether there are TPO's on the trees on the site;

#### 4.13.7 Policy

- According to the Gedling Plan Burton Joyce's 2028 target of 55 houses had 37 houses to find by March 2016. The 37 houses outstanding requirement has been surpassed by previous approvals at Millfield Close and Orchard Close;

#### 4.13.8 Other Considerations

- Should any damage from flooding occur after the development then compensation would be sought from the Local Authority;
- The local schools are already running at capacity;
- A neighbouring resident only bought the property adjoining the site as the adjoining land was Green Belt and would not be built on;
- Schools and Doctors are oversubscribed;
- Digging foundations would affect the stability of surrounding land;
- Due to the development being significantly higher than the adjoining properties it could result in an unacceptable loss of privacy and reduce house values;
- Burton Joyce requires more affordable housing and not more 4 – 5 bedroom homes;

### **5.0 Assessment of Planning Considerations**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

5.2 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and additional information provided in the National Planning Practice Guidance (NPPG).

5.3 The following national policies are relevant to this application:

- NPPF Section 6 (Delivering a wide choice of high quality homes);
- NPPF Section 7 (Requiring good design);
- NPPF Section 8 (Promoting Healthy Communities);
- NPPF Section 9 (Protecting Green Belt land);

#### 5.4 Development Plan Policies

5.5 Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan (adopted 2005) (GBRLP) referred to in Appendix E of the GBACS.

- ACS Policy 2 (The Spatial Strategy);
- ACS Policy 3 (The Green Belt);
- ACS Policy 10 (Design and Enhancing Local Identity);
- ACS Policy 18 (Infrastructure);
- ACS Policy 19 (Developer Contributions)
- RLP Policy ENV37 (Mature Landscape Areas);
- RLP Policy H8 (Residential Density);
- RLP Policy H16 (Design of Residential Development); and
- RLP Policy R3 (Provision of Open Space within New Residential Development).

5.6 Additionally, the following Supplementary Planning Documents are relevant:

- Affordable Housing SPD (2009); and
- Parking Provision SPD (2012).

#### 5.7 The Local Planning Document

5.8 The Publication Draft Local Planning Document (LPD) for Gedling Borough was submitted for examination in October 2016. The Secretary of State has now appointed an Inspector to determine whether the Plan is sound and complies with all legal requirements. Paragraph 216 of the NPPF sets out that from the day of publication weight may be given to relevant policies in emerging plans according to:

- The stage of preparation (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency with the NPPF (the greater the consistency, the greater the weight that may be given).

5.9 Following publication and prior to all comments being known (i.e. before the end of the consultation period) it is recommended that only limited weight can be given to the LPD. Relevant policies in the LPD include:

- LPD 4 Surface Water Management; and

- LPD 32 Residential Density.
- 5.10 In accordance with paragraphs 14 and 215 of the NPPF, significant weight should be given to ENV37, H8, H16 and R3 as these are up to date and consistent with the NPPF.
- 5.11 The relevant National Planning Policies and Local Policies are listed above.
- 5.12 A key aspect of the NPPF is that it includes a presumption in favour of sustainable development. This means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant planning permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.
- 5.13 Paragraph 7 identifies the three dimensions to sustainable development: economic, social and environmental. This theme is continued into paragraph 9 which states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.
- 5.14 The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. Paragraph 14 identifies the presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. The weight given to these policies will be dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 5.15 Paragraph 17 outlines the core principles of planning. In specific reference to this planning application these are noted as:
- Identification and then meeting the housing, business and other development needs of an area, and responding positively to wider opportunities for growth;
  - Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage, or food production);
  - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
  - Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 5.16 Paragraphs 18 to 22 of the NPPF outline the Government's commitment to securing economic growth in order to create jobs and prosperity, which benefits local communities and the national economy. Paragraph 21 of the NPPF puts further emphasis on securing a strong and competitive economy

by stipulating that ‘planning policies should recognise and seek to address the potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing’.

- 5.17 There is encouragement throughout the NPPF for the delivery of a choice of high quality homes, widening the opportunities for ownership and creating sustainable, inclusive and mixed communities. In order to boost significantly the supply of housing, local planning authorities should identify a supply of specific and developable sites in locations for growth for both the short and medium term. Authorities are also implored to plan for mix of housing based on current and future demographic trends and in doing so, they should identify the size, type and ensure a range of housing required in a particular location, reflecting local demand (paragraphs 47 – 55).
- 5.18 The NPPF recognises the need for local authorities to boost significantly the supply of housing in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Local Authorities should plan for a mix of housing based on the needs of different groups in the community (paragraph 50).
- 5.19 The NPPF policies exhibit commitment to achieving high quality design of the built environment; good design is a key aspect of sustainable development and is indivisible from good planning (paragraph 56). Furthermore paragraph 57 stresses it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes.
- 5.20 The NPPF also seeks to promote healthy communities. Paragraphs 69 – 78 sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. Planning policies should in turn aim to achieve places which promote:
- Safe and accessible environments;
  - High quality public spaces
  - Recreational space / sports facilities
  - Community facilities
  - Public rights of way.
- 5.21 The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Accordingly, paragraph 72 of the NPPF states that ‘*local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education*’, giving great weight to the need to create and expand or alter schools.
- 5.22 Crucial in the consideration of the principle of this planning application is section 9 of the NPPF with regard to ‘Protecting Green Belt Land’.
- 5.23 Paragraph 79 of the NPPF states that, ‘The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to

prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’.

- 5.24 Paragraph 80 identifies the five purposes that Green Belt serves as follows:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.25 Paragraph 87 states that, ‘As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’. In this context, paragraph 88 goes on to state that, ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’.
- 5.26 Paragraph 89 of the NPPF states that, ‘A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are, inter-alia, provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it’.
- 5.27 Paragraph 95 states that Local Planning Authorities should support the move to a low carbon future by planning for new development in locations and which reduce greenhouse gas emissions; actively supporting energy efficiency improvement to existing buildings; and, when setting and local requirement for a buildings sustainability, do so in a way that is consistent with the Government’s zero carbon buildings policy and adopt nationally described standards.
- 5.28 Paragraph 100 (and onwards) discusses the flood risk implications of development. The NPPF notes that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 5.29 The NPPF advises that the planning system should contribute to and enhance the natural and local environment, and aim to minimise pollution and other adverse effects on the local and natural environment. Paragraph 111 of the NPPF sets out how planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.
- 5.30 The key issues for consideration in this application are:
- The principle of developing the site;

- Green Belt;
- Masterplan and Design;
- The impact on neighbouring amenity;
- Open space and recreation;
- Landscape and Visual effects;
- Transport and Connectivity;
- Water Resources, Flood Risk and Drainage;
- Land Contamination;
- Ecology;
- Waste;
- Socio-economic impacts;
- Viability / s106 Contributions;
- Other material considerations.

## **6.0 The principle of developing the site**

- 6.1 The National Planning Policy Framework attaches great importance to sustainable development. It states: *“Development that is sustainable should go ahead without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision”* (NPPF - ministerial foreword). This is further confirmed in paragraph 14 which states that - *“at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.”* One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met.
- 6.2 ACS Policy 2 focuses development in and adjoining the urban area and at Key Settlements. However, it does allocate up to 260 dwellings to meet local needs which are to be distributed across other villages including Burton Joyce. The emerging Local Planning Document sets a target of 55 dwellings for Burton Joyce and once existing planning permissions are taken into account this target reduces to 37. Sites proposed for allocation include north of Orchard Close (15 homes) and at Mill Field Close which has been granted consent subject to a s106 agreement being signed. The Glebe Farm site is not proposed for allocation in the emerging Local Planning Document and would, once the LPD is adopted, remain Green Belt.
- 6.3 The National Planning Practise Guidance identifies that the circumstances when planning applications may be refused due to prematurity will be limited. The guidance identifies that prematurity may be an issue when:
- The application is so substantial or its cumulative impact would be so significant that it would predetermine decisions about the scale, location or phasing of new development; and
  - The Local Plan is at an advanced stage but has not yet been adopted.
- 6.4 The NPPF makes clear that prematurity is unlikely to be an issue prior to a plan being submitted and as this criterion has not been satisfied it is considered that refusal on the grounds of prematurity is not possible for this

application. The Local Plan Part 2 has now been submitted for examination and the application does not form part of the allocation of new housing sites. Therefore the issue of prematurity is relevant to this application. The application should be considered on its own merits in line with Green Belt Policy.

- 6.5 The Five Year Housing Land Supply Assessment (2016) identifies that there is only a 3.14 year land supply of deliverable housing sites within the Borough. Paragraph 49 of the NPPF sets out that where local planning authorities cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should be considered out of date. Recent Appeals (notably the Binfield decision ref: 2179560) have identified that this would include policies which restrict or direct residential development.
- 6.6 Where policies are out of date, applications for residential development should be considered in the context of the presumption in favour of sustainable development contained within paragraph 14 of the NPPF. The presumption in favour of sustainable development requires that, where the development plan is out of date, permission is granted unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
  - Specific policies in the NPPF indicate development should be restricted.
- 6.7 However, the Secretary of State (CLG) in a decision notice (APP/G1630/V/14/2229497) has clarified (paragraph 27) that for proposals in Green Belt, the presumption in favour of sustainable development at paragraph 14 of the NPPF does not apply of the provisions of footnote 9.
- 6.8 Given the site is located within the Green Belt the redevelopment of the site for Residential purposes would be considered inappropriate development and should not be approved unless there are 'very special circumstances' that indicate otherwise.

## **7.0 Green Belt / Very Special Circumstances**

- 7.1 ACS Policy 3 states that Green Belt boundaries will be reviewed through Part 2 Local Plans to meet the non-strategic scale development requirements of the ACS. The allocation of non-strategic sites and need for Green Belt release is being dealt with through the Local Planning Document.
- 7.2 Paragraph 89 of the National Planning Policy Framework states that the construction of new buildings in the Green Belt is inappropriate development unless it is listed as one of the exceptions set out in paragraph 89. This includes the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. However, the NPPF

specifically excludes land that is or has been occupied by agricultural buildings from the definition of brownfield land and therefore the land occupied by the present agricultural buildings could not be treated as an exception under the NPPF paragraph 89.

- 7.3 At paragraph 90, the NPPF states that the reuse of buildings is not inappropriate development provided the buildings are of permanent and substantial construction and provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Although the proposal is to redevelop the site which would not be considered appropriate in terms of the NPPF, it is acknowledged that there are substantial existing buildings on site including a farm house, 2 cottages, and out buildings that might be appropriate for re-use or replacement.
- 7.4 The proposal would therefore constitute inappropriate development within the Green Belt and the harm to the Green Belt in terms of the five purposes of Green Belt should be identified. In line with paragraphs 87 – 89 of the NPPF the applicant would need to demonstrate that ‘very special circumstances’ exist that clearly outweigh the harm by reason of inappropriateness and any other harm to the Green Belt. The Thundersley decision (ref: 2177157) and the Ministerial Statement (1<sup>st</sup> July 2013) highlight that the demand for housing would on its own not be sufficient to outweigh harm to the Green Belt. The Government’s clear position is that Green Belt release should be through the Local Plan unless there are additional very special circumstances.
- 7.5 The applicant has identified what they consider are the ‘very special circumstances’ which are outlined above paragraph 3.5. These can be outlined as follows:
- The site / application land is currently damaged / contaminated and becoming derelict and its redevelopment would have a positive impact on the area;
  - The existing buildings are no longer viable for the purpose of livestock farming;
  - The development results in a significant reduction in built form / volumes, reducing the overall impact on the openness of the Green Belt in this area improving the visual amenity;
  - Transforming a derelict area of land with development that reflects the residential character of adjacent development forming a natural extension to the existing settlement boundary;
  - The redevelopment of the site offers opportunities to strengthen the settlement boundary / Green Belt boundary through strategic planting and landscaping. This would create a easily recognisable settlement boundary preventing encroachment into the open countryside;
  - The site is well served by public transport links and local services at Burton Joyce;
  - The landscaping scheme would bring various ecological enhancements through the landscape scheme and the remediation of contamination from the previous agricultural use;
  - The development represents economic development which is supported in the NPPF;

- The lack of Year Supply of Land for Housing.

It is noted that a lack of 5 Year Supply of Land would be one of these but, in line with the Ministerial Statement and the Thundersley Appeal decision, it is considered that other special circumstances would need to be demonstrated in order to clearly outweigh the harm and any other harm to the Green Belt.

- 7.6 Paragraph 81 of the NPPF states inter-alia: ‘local planning authorities should plan positively to enhance the beneficial use of Green Belt, such as looking for opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or improve damaged and derelict land.’
- 7.7 I note that the agent has submitted a comprehensive site analysis incorporating Topographical Surveys; Survey Drawings; Cross Sections; Elevations; and Existing Site Uses. The agent would like the local planning authority to consider the fall-back position and compare the existing built form on site to that of the redeveloped site for residential purposes. This is to establish whether there would be a net gain in terms of visual appearance and openness.
- 7.8 Whilst there is no specific definition of openness in the NPPF, this is a concept which relates to the absence of building; it is land that is not built upon. Openness is therefore epitomised by the lack of buildings, but not by buildings that are unobtrusive, camouflaged or screened in some way. Any construction harms openness quite irrespective of its impact in terms of obtrusiveness or its aesthetic attractions or qualities.
- 7.9 Measures taken to limit the intrusiveness of a development in terms of its visual impact must not affect the assessment of openness, but may be relevant to the very special circumstance balancing exercise. Openness and visual impact are different concepts. This analysis is supported by the Courts which have held that it is wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact (*Timmins & Anor v Gedling Borough Council*).
- 7.10 In applying the requirements of paragraph 87 of the NPPF, an applicant is required to prove ‘very special circumstances’. In this context, paragraph 88 goes on to state that, ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’.
- 7.11 In seeking to work positively and proactively, the agent was given an opportunity to provide further information during consideration of the application with reference to ‘very special circumstances’. Subsequently, site surveys were submitted. The results of the surveys illustrate the built footprints and built volumes of the buildings as proposed and as existing. For the purpose of this analysis, when considering the impact of the development

on the openness of the Green Belt and on encroachment, the calculation of the built form of the proposed development was required to include the area that would be used for residential curtilages along with the built footprint of the proposed dwellings. It is my opinion, given that the proposal is for inappropriate development and that the change of use to residential curtilage would also be inappropriate, garden areas serving the proposed dwellings should be considered in the weighing exercise to establish whether very special circumstances exist. The survey results are shown below:

#### 7.12 Built Footprint

	Existing	Proposed
Cottages	94sqm	
Farm house	121sqm	121sqm
Brick Barns	368sqm	282sqm
Modern Barns	2931sqm	
New Garages		648sqm
New House A		880sqm
New House B		264sqm
New House C		357sqm
New House D		172.5sqm
<b>Total:</b>	<b>3514sqm</b>	<b>2724.5sqm</b>

#### Built Volume

	Existing	Proposed
Cottages	630 cubic metres	
Farm house	826 cubic metres	826 cubic metres
Brick Barns	1,250 cubic metres	1,175 cubic metres
Modern Barns	15,638 cubic metres	
New Garages		2,754 cubic metres
New House A		6,380 cubic metres
New House B		1,914 cubic metres

New House C		2,592 cubic metres
New House D		1,251 cubic metres
<b>Total:</b>	<b>18,344 cubic metres</b>	<b>16,892 cubic metres</b>

- 7.13 Following extensive site visits it is my opinion that the survey work undertaken is a realistic assessment of the built development currently present on site. The calculations above show that the redevelopment of the site would result in a net decrease of built footprint at the site of approximately 22.5%. The agent has indicated that the steel portal frame building that was granted prior approval would not be implemented (2016/0783PN) should planning permission be forthcoming. In this instance the net decrease in built footprint should the redevelopment be implemented would be approximately 31.5%.
- 7.14 The calculations above show that the redevelopment of the site would result in a net decrease in built volume, when incorporating the calculations for the residential gardens serving the proposal, of 8% to the existing situation.
- 7.15 The agent also recognises that there may be a number of public benefits resulting from the development in terms of the displacement of agricultural traffic from Glebe Drive onto Woodside Road, reduced noise and disturbance due to the site not being redeveloped for commercial purposes which will be considered in the chapters below.
- 7.16 The majority of the site is in poor state of repair and would require considerable works to be brought back into use for the purpose of modern agriculture. The Farm House and the outbuildings are of substantial construction but have deteriorated over time to the point where they require substantial works to be renovated. Given the evidence submitted by the agent it is my view that the net decrease in built form on site, should it be redeveloped for housing, can be considered a planning gain when balancing the respective visual impacts on the openness of the Green Belt. I would also note that Paragraph 81 of the NPPF requires local planning authorities to plan positively to enhance the beneficial use of Green Belt, which includes looking for opportunities to improve damaged and derelict land. It is my view that that the redevelopment of the site for residential purposes on the edge of the village settlement, the redevelopment of derelict land, and the net decrease in built footprint and volume as a result of the development should be given substantial weight in the planning balance when determining whether there are very special circumstances.
- 7.17 I also note that there are various approvals for additional Agricultural Buildings such as a Grain Store and a Business Use granted under Prior Approval. The agent has confirmed that these approvals would not be implemented should the residential development go ahead, as the farm holding would not need to pursue alternatives to diversify and renovate the site. I consider that potential

noise and disturbance from the alternative uses on the site, adjacent to residential village boundary, has the potential to impact on residential amenity to a larger extent than a potential residential development. This disturbance would be by virtue of the type of vehicles that would be accessing the site and the level of noise and activity that could be expected from the potential end users of the grain store and business use. I would therefore attach moderate weight in the planning balance to the benefits that would arise from redeveloping the site for residential purposes and the potential planning gain in terms of the reduced impact on residential amenity by displacing commercial traffic.

7.18 Whilst I consider that 'very special circumstances' exist these need to be balanced against the overall harm to the Green Belt by means of inappropriateness, impacts on openness and the other constraining factors. The planning impacts that need addressing and balanced against the 'very special circumstances' established relate to factors such as:

- Masterplan and Design;
- Transport and Connectivity;
- The impact on neighbouring amenity;
- Open space and recreation;
- Landscape and Visual effects;
- Water Resources, Flood Risk and Drainage;
- Land Contamination;
- Ecology;
- Waste;
- Socio-economic impacts;
- Viability / s106 Contributions
- Other material considerations

## **8.0 Masterplan and Design**

8.1 The Government attaches great importance to the design of the built environment. Section 7 of the NPPF states that good design is a key aspect of sustainable development and it should contribute positively to making places better for people. Developments should function well and add to overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architectural practice and appropriate landscaping.

8.2 National guidance in the form of Planning Practise Guidance, published 2014 furthermore reinforces the NPPF's commitment to requiring good design by stating that 'Achieving good design is about creating places, buildings or spaces that work well for everyone, look good, last well and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place' (paragraph 001)

8.3 Criterion a. and c. of Policy ENV1 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design

which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials.

- 8.4 Policy 10 of the GBACS looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and Replacement Local Plan policies.
- 8.5 Whilst all matters except access and landscaping are reserved at this point I consider that the indicative Masterplan and the Design and Access Statement provide an appropriate framework to assess the potential design and layout of a residential development on this site.
- 8.6 Whilst only indicative; the layout plan shows that access to the development would come from an existing farm access from Glebe Drive. It has been indicated by the agent that should planning permission be forthcoming farm traffic would cease to use this access and would be redirected to other available farm accesses.
- 8.7 The indicative layout shows that the use of front facing development along the main route of the scheme can be achieved, the rear gardens areas would back onto the existing rear boundaries of properties on Bulcote Drive, and the road layout also allows for strong frontages to the public realm and footpath links, thereby supporting a safe environment through natural surveillance.
- 8.8 Overall it is considered that an imaginative design can be achieved on the site that suitably connects to the existing residential boundary of Burton Joyce. The use of existing features and the installation of a comprehensive landscape management plan to incorporate a clear green buffer to the north of the site would create a clear defensible boundary. The illustrative masterplan also indicates an area of open space that would separate the proposal from the existing residential properties sited at the site access. I am content that an appropriate design can be achieved on site that would closely relate to existing features on the site and the architectural styles of the surrounding area. I am therefore satisfied that the application accords with the broad aims of the NPPF and Policy 10 of the ACS.

## **9.0 Transport and Connectivity**

### Existing Access, Highway Network, and Public Rights of Way

- 9.1 Access to the site is currently gained via Glebe Drive, a residential cul-de-sac that terminates at the farm entrance. Glebe Drive is accessed from Bulcote Drive which in turn is accessed via Nottingham Road (A612).
- 9.2 There are no registered rights of way across the application site.

### Policy Context

- 9.3 Paragraph 32 of the NPPF requires that safe and accessible access to the site can be achieved and that any improvements to the transport network

effectively limit the significant impacts of the development. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA). A Transport Assessment has been submitted with the planning application.

- 9.4 The National Planning Practise Guidance (NPPG) (March 2014) states that Transport Assessments, Statements and Travel Plans can positively contribute to:
- Encouraging sustainable travel
  - Lessening traffic generation and its detrimental impacts
  - Reducing carbon emissions and climate impacts
  - Creating accessible, connected, inclusive communities
  - Improving health outcomes and quality of life
  - Improving road safety
  - Reducing the need for new development to increase existing road capacity or provide new roads.

#### Transport and connectivity considerations

- 9.5 During the processing of the application various revised schemes to deal with access have been considered in light of the comments from the Highway Authority. The Borough Council has worked positively and proactively trying to find solutions to the issues that have been raised. An alternative means of access was considered by the Borough Council from Woodside Road through a newly created farm access track however, in light of Green Belt Policy considerations, this alternative access is considered unacceptable from a planning perspective and unsuitable for a residential access. Therefore the existing access from Glebe Drive is being considered in this instance.
- 9.6 Glebe Drive currently has a carriageway width of 4.3 metres and footways on the western side and eastern side measuring 1.4 metres and 1.35 metres respectively. There is also a turning head at the end of the road.
- 9.7 When referring to the 6C's Design Guide a carriageway width of 4.8 metres is required to serve a development of up to 25 dwellings. In addition, it should have footways on either side appropriate to the pedestrian demand. It is therefore the case that Glebe Drive does not currently comply with the technical guidance.
- 9.8 A number of proposals have been submitted with the Transport Report from ADC Infrastructure. Each of these proposals incorporates works to the public highway to provide improvements. During extensive negotiations with the Highway Authority the proposal (ADC1354/001 Rev B) has been considered in detail by the Local Planning Authority and the Highway Authority. This proposal relates to works within the existing highway for a 0.5 metre wide margin on the western side of a 4.8 metre wide carriageway, leaving a 1.7 metre wide footway on the eastern side. The Highway Authority have confirmed that whilst the proposal does not fully meet their technical guidance document they have to be reasonable in the interpretation of the guidance in line with the requirements contained within the Nation Planning Policy

Guidance. The Highway Authority road safety specialists have been consulted and cannot establish reasonable grounds for refusal i.e. there are other similar arrangements within the County and no doubt the rest of the Country which operate safely.

- 9.9 Therefore the development including the road improvements needs to be considered carefully alongside other material planning considerations relating to accessibility and connectivity.
- 9.10 In light of the proposal resulting in a footway being reduced on the western side of Glebe Drive and the works not meeting technical standards the applicant has forwarded other measures and considerations in favour of the development to be considered along with the proposed improvements.
- 9.11 The Transport Statement has indicated that a working farm the size of Glebe Farm can generate approximately 60 vehicle trips per day. It is also indicated that the type of vehicles would be larger commercial vehicles associated with the farming activity. Given that the farm is currently in a state of disrepair the owner of the site has explored alternative uses for the site under the General Permitted Development Order and has obtained permission for the conversion of an existing barn into a B8 (Storage and Distribution) use and an additional grain store. The Transport Statement and the Prior Approvals for B8 and Grain Store indicates that the current site could generate a significant level of larger vehicle traffic from potential commercial uses.
- 9.12 In considering the potential impact of the residential development of 14 additional residential units I am mindful that the agent and applicant is willing to redirect all farm traffic from Glebe Drive to alleviate the impact of larger vehicles from Glebe Drive. It is my opinion that the potential for an increase in larger vehicles coupled with the existing traffic from the farm can be viewed as having an adverse impact on the amenity of the residents on Glebe Drive. I also consider that the types of vehicles accessing the proposed residential properties are likely to have a lesser impact on the residential amenity of the area in terms of noise, vibration and accessibility due to size.
- 9.13 I therefore consider that terminating the access to larger vehicles from Glebe Drive can be seen as a planning gain when considering the overall impact of the proposal on the amenity of residents on Glebe Drive. In light of this, should planning permission be forthcoming a condition would be attached to any approval restricting commercial traffic accessing the farm from Glebe Drive to displace larger more disruptive traffic from this residential street. Details with regards to the proposed farm access and the residential access serving the proposed development would be managed through the reserved matters stage relating to layout. This would ensure there is no vehicle conflict between the proposed residential traffic and any potential commercial traffic accessing the application site and that commercial traffic is terminated from Glebe Drive.
- 9.14 I also note that the applicant has agreed to supply 5no. off street visitor car parking spaces within the application site, accessed from a newly created

private drive at the end of Glebe Drive. These spaces would be made available for visitors of the residents on Glebe Drive to enable off street car parking away from the carriageway. It is my view that the provision of off street car parking would negate the requirement for visitors to Glebe Drive to park on the pavement and restrict the carriageway, enabling the carriageway to remain clear of vehicles to the benefit of highway safety.

- 9.15 I note the detailed comments from the Highway Authority and the other considerations outlined above, and it is my opinion that the redevelopment of the farm to residential would not give rise to significant highway safety implications that would warrant a refusal of this application. I therefore consider the development to be acceptable from a Transport and Connectivity perspective and that it would accord with the aims of Paragraph 32 of the NPPF.
- 9.16 I note that Nottinghamshire County Council have requested that obligations be requested in the form of a condition attached to any approval. The contributions requested relate to bus stop improvements on the A612 (Nottingham Road), to include Raised Kerbs, Enforceable Bus Stop Clearway, and Real Time Pole Displays. When referring to the Planning Practise Guidance paragraph 1 'Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind'. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms.
- 9.17 The development does not result in the requirement for new infrastructure installations in order for the development to be accessible to public transport linkages. I also consider that a development of 14 additional residential units is not of a scale that should give rise to significant negative impacts on the existing highway infrastructure and public transport linkages. It is therefore my opinion, the request for obligations relating to improvements to existing public transport infrastructure does not meet the tests as set out in the Community Infrastructure Levy Regulations 2010 - Part 11 – in that the improvements are not: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 9.18 Notwithstanding the omission of the condition relating to infrastructure improvements, should planning permission be forthcoming all remaining conditions suggested by the Highway Authority would be attached to any outline planning approval.

## **10.0 The Impact on Neighbouring Amenity**

- 10.1 Residential amenity considerations relevant to this proposal include the impact from noise generated from the development, the level of activity, overlooking, overshadowing and overbearing impacts, as well as impacts from construction and lighting. Criterion b. of Policy ENV1 of the GBRLP states that

planning permission would be granted for development providing that it would not have a significant adverse impact upon the amenity of nearby properties or the locality in general. Criterion f) of Policy 10 of the GBACS relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering this proposal.

- 10.2 The main impact from the development is likely to be from the construction phase of the development. The nearest buildings that could be affected are those properties of Woodside Road, Glebe Drive and Bulcote Drive. The impacts of the construction activities would be managed through a Construction Environmental Management Plan (CEMP) which would ensure that working hours, traffic, management, control of pollution, waste management, noise, dust and vibration are all managed and controlled to acceptable standards. The CEMP and the requirements it needs to cover would be secured through planning condition. This would protect both the existing dwellings as well as new occupiers of the dwellings within the site.
- 10.3 The application site adjoins the rear boundaries of residential properties on Bulcote Drive, and the side boundaries of no. 6 Glebe Drive. It is noted that an indicative layout plan has been submitted to support the outline planning application. Whilst only indicative at present the Masterplan illustrates that a single access road using the existing farm access terminating at a turning head could be provided centrally on the site to ensure that the rear boundaries of the existing residential properties can be adjoined by the rear garden boundaries of the proposed new dwellings. Whilst I note that there is a significant drop in level to the adjoining properties on Bulcote Drive I am satisfied that the application site can accommodate garden depths sufficient to mitigate and undue overlooking, overshadowing or overbearing impacts on the occupiers of the residential dwellings adjoining the application site. I also note that the area of application adjacent to no.6 Glebe Drive has been indicated that it would be left as open space thereby providing a buffer between it and the proposed development.
- 10.4 It is considered that any amenity impacts from the development as a whole can be controlled to a large extent through the reserved matters application, such matters being required to be in accordance with the principles and parameters illustrated in the indicative masterplan and the attached conditions.
- 10.5 Given the above, I am satisfied that the proposed development would not result in any material impact on residential amenity. It is therefore considered that the indicative details deposited with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the GBACS.

## **11.0 Open Space and Recreation**

- 11.1 GBRLP Policy R3 requires that residential development on sites above 0.4 hectares should provide a minimum of 10% local open space to serve that development. As the site measure 1.2 hectares approximately 0.12 hectares of local open space is required.

- 11.2 The SPD for open space provision requires that 40% of the minimum 10% open space provision should be informal play area or NEAP. This results in a total requirement for provision for children and young people of 480 square metres (within the overall 0.12 hectare requirement).
- 11.3 The illustrative master plan indicates that the transition from Glebe Drive into the application site, adjacent to the access, would be provided as public open space. The approximate area allocated for open space shown on the illustrative masterplan equates to approximately 1500 square metres (0.15 hectares).
- 11.4 Overall approximately 12.5% of the site is shown to be provided as public open space. Whilst only indicative at present this illustrates that the application site is large enough to provide sufficient open space to serve future occupiers. There would be opportunities through the reserved matters approval process to further develop the detailed design of the open space to meet local requirements.

## **12.0 Landscape and Visual Impacts**

- 12.1 The application site lies to the north of the existing village infill boundary of Burton Joyce and is also located in an elevated position. There could potentially be significant landscape and visual impacts due to the change of use of the application site to residential and the elevated position that the application lies in relation to the adjoining residential properties on Glebe Drive and Bulcote Drive.
- 12.2 GBACS Policies 10 and 16 requires a landscape character approach towards assessing the impacts of proposals on the landscape. Proposals should protect, conserve, or where appropriate, enhance landscape character. The Greater Nottinghamshire Landscape Character Assessment (GNLCA) includes the application site within South Nottinghamshire Farmlands.
- 12.3 In addition, Policy 16 of the GBACS identifies that the application site is located within the Sub-Regional Green Infrastructure Corridor, which should be protected and enhanced. Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 12.4 The site is located within a Mature Landscape Area as indicated on the proposals map of the RLP. Policy ENV37 is relevant in this instance and states: 'Development which would have an adverse effect on the visual, historic or nature conservation importance of a Mature Landscape Area as shown on the Proposals Map will be permitted only where it can be shown that there are reasons for the proposal that clearly outweigh the need to safeguard the area's intrinsic value. Where development is permitted proposals will be required to minimise the harm to the area. Planning conditions will be imposed or obligations negotiated in order to secure

appropriate mitigation measures.

- 12.4 The potential scale, massing and bulk of the proposed residential development in comparison to the built form present on the site has been assessed in detail at paragraphs 7.11 – 7.14. The conclusion of the assessment is that there would be a reduction in built form / volume as a result of the redevelopment of the site. The height and scale of the existing farm buildings are larger than the residential dwellings proposed and the massing calculations incorporate proposed residential gardens. Whilst I note that the site is in an elevated position the illustrative masterplan shows that the rear garden depths would site the dwellings away from the prominent ridge line and that the existing hedgerow and mature vegetation that occupies the site boundary would be reinforced and retained. I consider that appropriate landscaping can be incorporated into the development to retain the existing wildlife corridors / hedgerows and to introduce new landscaping to assimilate the development into its rural setting.
- 12.5 Given that existing features are to be retained where possible, there is potential to secure a comprehensive landscape management plan at reserved matters stage, and the overall reduction in built development on the site, I consider that the development would not have an adverse impact on the landscape character of the area. I therefore consider, by securing precise details of landscaping through conditions, the proposal would be in accordance with Policy ENV37.
- 12.6 I note that the proposal would incorporate a proposed hedgerow to emphasise the northern boundary of the site. This hedgerow would act as a natural defensible boundary to the built up area of Burton Joyce should planning permission be forthcoming and precise details of this boundary treatment would be sought as part of any reserved matters application.
- 12.7 It is concluded that any reserved matters application should be accompanied by a Landscape Strategy to support the requirements of Policies 10 and 16 of the GBACS. Noting the above considerations, and accepting the visual impacts that the redevelopment of this disused farm would have; I consider that a Landscape Strategy (secured by condition), managed and delivered over the site would make the development visually acceptable under the provisions of GBACS Policies 10 and 16.

### **13.0 Water Resources, Flood Risk and Drainage**

- 13.1 I note that the application site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding. The Environment Agency were consulted on the application and advised that the Lead Local Flood Authority should be consulted in relation to surface water drainage / sustainable urban drainage systems.
- 13.2 Given the site's location in Flood Zone 1, I accept that the proposal is in an area of low probability of flooding and accords with the sequential test for located development in low risk flood zones, as set out in Policy 1 of the

GBACS and Section 10 of the NPPF.

- 13.3 Paragraph 100 of the NPPF states that Local Plans should take into account climate change and use opportunities offered by new development to reduce the causes and impacts of flooding.
- 13.4 Paragraph 103 states: 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere'
- 13.5 The Environment Agency's flood map for surface water flooding indicates that the majority of the site is located in an area that has a 'very low' chance of flooding from surface water. However, Glebe Drive is indicated as having a medium to high risk. Given that the proposal is for a comprehensive redevelopment of the site careful consideration needs to be given to the impacts of the development of surface water flooding and existing water courses. The Environment Agency advise that the Lead Local Flood Authority (LLFA), being Nottinghamshire County Council, should be consulted on any proposals.
- 13.6 Paragraph 030 of the PPG states that the objectives of site specific Flood Risk Assessments (FRA's) are to establish:
- Whether a proposed development is likely to be affected by current or future flooding from any source;
  - Whether it will increase flood risk elsewhere;
  - Whether the measures proposed to deal with these effects and risks are appropriate;
  - The evidence for the local planning authority to apply (if necessary) the Sequential Test; and;
  - Whether the development will be safe and pass the Exception Test.
- 13.7 Paragraph 031 states: 'A flood risk assessment should also be appropriate to the scale, nature and location of development.'
- 13.8 GBACS Policy 1 reflects the NPPF and requires development to avoid areas of flood risk and not increase the risk of flooding elsewhere and where possible reduce flood risk. GBACS Policy 1 requires all new development to incorporate sustainable urban drainage systems (SuDS).
- 13.9 Following consultation the LLFA accept that the submitted FRA and drainage strategy is generally acceptable, subject to conditions in respect of details of the Sustainable Urban Drainage Systems. In terms of foul drainage, Severn Trent have not raised any objections, therefore there are assumed to be no issues with connecting to foul drainage systems.
- 13.10 I note the comments from the Parish Council with regards to the potential for increased flood risk. However; overall, the application site is at low risk of flooding, and an acceptable FRA has been undertaken. Subject to acceptable SuDS details being submitted, the development is acceptable in terms of water resources, flood risk and drainage.

## **14.0 Land Contamination**

- 14.1 Policy ENV3 of the RLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built on or adjoining the site. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.
- 14.2 Section 11 of the NPPF states at paragraph 109 that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from unacceptable levels of soil, air, water or noise pollution.
- 14.3 Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.
- 14.4 There is potential for contamination at the site, however there are no outstanding land contamination concerns, subject to site characterisation and the submission of a remediation scheme. These details can be secured by condition as recommended by the Scientific Officer.
- 14.5 It is considered, therefore, that the proposed development would accord with Policies ENV3 of the RLP and Section 11 of the NPPF.

## **15.0 Ecology**

- 15.1 GBACS Policy 17 seeks to protect local sites of biological importance in line with the hierarchy of designations.
- 15.2 GBRLP Policy ENV 36 requires the decision maker to weigh the reasons for the proposal against local ecological and community value of the site. Where development is permitted a balance is to be struck between the need for the development and ecological interest of the site with damage to be kept to a minimum and mitigation and compensatory measures required where relevant.
- 15.3 Comments were received from members of the public, concerned about the impact of the scheme on wildlife, trees and hedgerows.
- 15.4 The majority of the application site is occupied by farm buildings, hardstanding and loose stone as a result of the previous dairy farming activities.
- 15.6 A phase 1 ecology survey and bat surveys of the empty buildings were

undertaken to support this application. The surveys cover an area of coarse grassland (the former pasture for the dairy herd operation) that has now been omitted from the scheme, also the managed hedgerows that surround the site. The site (with absence of buildings) comprises mainly poor semi-improved grassland. The conclusion of the survey suggests further requirements that could be sought at reserved matters stage including a prestart badger survey, a precautionary survey in relation to owls, and that vegetation removal should be outside of bird breeding season.

- 15.7 I note the comments from the Wildlife Trust which concerns the management plan relating to the woodland that is covered by a Group TPO. Following revisions to the scheme the access through the woodland has been omitted from the proposal and does not form part of the application. Management of the woodland would need to be sought through the submission Tree Preservation Order consent to cover the maintenance works within this designation.
- 15.8 It is noted that the indicative layout and ecological appraisal indicate that the development would look to keep some habitats, including managed hedgerows, along with the introduction of a native vegetation boundary to the north. The network of hedgerows and vegetation boundaries can be considered ecological enhancements that would be brought as a result of the development and would provide potential new habitats for wildlife.
- 15.9 Overall, I consider that the indicative layout illustrates that significant areas of open space and new ecological enhancements can be incorporated in the detailed landscape proposals to be submitted with a reserved matters application. Further survey works and mitigation measures recommended in the Extended Phase 1 Habitat Survey would also be sought by way of planning condition. The opportunities to secure appropriate mitigation can be incorporated in the detailed scheme in order to minimise impacts on ecology. In conclusion it is considered that there would be no significant residual effects on protected species or ecology as a result of the development.

## **16.0 Socio-economic impacts**

### *Education*

- 16.1 As the Local Education Authority (LEA), Nottingham County Council (NCC) estimates that the proposed development of 14 dwellings would yield an additional 3 primary school places and 2 secondary school places.
- 16.2 NCC Education calculates the contribution on the following basis: £34,365.00 (3 x £11,455.00) to provide primary provision at Burton Joyce Primary school (or another primary school in the area) and £34,520.00 (2 x £17,260.00) to accommodate the additional secondary pupils. Total: £68,885.00
- 16.3 Subject to agreement between the County as the LEA and the applicant, I am content that appropriate education provision can be secured through s106 agreement.

## *Health*

- 16.4 The development falls within the Nottingham North and East Clinical Commissioning Group (CCG) area, who calculate that the new development would result in an increased patient population based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services, equating to a financial contribution of £13,591.00. Timing and mechanism for delivery is subject to s106 negotiations.

## *Economic*

- 16.5 I note the comments from economic development, the size of the site and the numbers of dwellings to be built meet the Council's thresholds to implement the Construction Industry Training Board (CITB) to create work and opportunities during the term of the build. Should planning permission be forthcoming CITB would form part of the s106.

## *Affordable Housing*

- 16.6 The Borough Council's affordable housing policy in terms of site size and threshold states that the Borough Council would negotiate an element of affordable housing on all sites above 15 dwellings or more. Given that the application is for an additional 14 units this application does not meet the affordable housing threshold in this instance and contributions would not be sought through planning obligations.

## **17.0 Other Material Considerations**

- 17.1 Comments have been received with regards to the potential Highway impacts in relation to access, congestion, increase activity and highway safety in the localised area and access onto the A612. I also note the detailed assessment and recommendations within the Transport and Connectivity chapter (9.0) and am satisfied that the impacts relating to Highway Safety and Circulation have been suitably addressed.
- 17.2 I note the comments from the Parish Council about the requirement for smaller homes to account for the ageing population, however, the application is for outline planning permission and the mix of homes would be considered in detail at the reserved matters stage of the planning process.
- 17.3 I also note the comments received with regards to the school places, and health care provision; however, these concerns are addressed in the socio-economic section 16.0 above.
- 17.3 I note the comments regarding the impact on the house prices however I do not attach enough material weight to this consideration to warrant a refusal of this application.
- 17.4 I note the comments received regarding the foul drainage from the site,

however; details relating to such matters need separate approval from Severn Trent Water. Flood Risk and Drainage have been considered in Section 13.0.

- 17.5 I note the comments received with regards to neighbouring amenity and these issues have been considered in Section 10.0.

## **18.0 Conclusions**

- 18.1 In light of the considerations given above in relation to:

- The principle of developing the site;
- Green Belt;
- Masterplan and Design;
- The impact on neighbouring amenity;
- Open space and recreation;
- Landscape and Visual effects;
- Transport and Connectivity;
- Water Resources, Flood Risk and Drainage;
- Land Contamination;
- Ecology;
- Socio-economic impacts;
- Other material considerations.

It is considered, on balance, and taking into account the benefits that would be generated as a result of this proposal, it would constitute a sustainable form of development. In reaching this conclusion I have had regard to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if impacts are, or can be made, acceptable. Given the considerations set out in chapters 5.0 – 17.0, above, I consider that it has been demonstrated that, on balance, the planning impacts have been addressed and have therefore been made acceptable, or that such impacts are outweighed by the benefits that result from the scheme.

- 18.2 This application has been advertised as a departure from the Development Plan for the Area; however, the application is only required to be referred to the Secretary of State if the development by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Given the conclusions drawn in the Green Belt section of this report, I do not consider that this application should be referred to the Secretary of State.

### **Recommendation:**

**That the Borough Council GRANTS OUTLINE PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council education authority for the provision of, or financial contributions towards, Educational Facilities, Healthcare and Public Open Space; and subject to the following conditions:**

## Conditions

1. The First application for the Approval of the Reserved Matters shall be made to the Borough Council not later than three years from the date of this permission. Details of Appearance, Landscaping, Layout and Scale (hereinafter called the Reserved Matters) for the development shall be submitted to and approved in writing by the Borough Council before any development begins and the development shall be carried out as approved.
2. The development hereby permitted shall commence no later than two years from the date of approval of the last Reserved Matters to be approved.
3. The submission of all reserved matters and the implementation of the development shall be carried out in substantial accordance with the plans and documents received on the 7th March 2016: - Application Forms; Planning Statement; Landscape and Visual Appraisal; Highways Report (ADC Infrastructure); Ecological Reports; Flood Risk Assessment; Archaeological Assessment; and Contaminated Land: Phase 1 Desk Top Study. The Revised Illustrative Masterplan Rev B (October 2016); Site Location Plan (November 2016); Revised Design and Access Statement (November 2016); and the email received on 2nd February 2016 (Termination of Farm Traffic from Glebe Drive).
4. The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage All details submitted to the LPA for approval shall comply with the County Council's current Highway Design and Parking Guides (The 6'cs Design Guide) and shall be implemented as approved.
5. Prior to the commencement of development precise details of the works to the carriageway on Glebe Drive required for technical approval by the Highway Authority are to be submitted to and approved in writing by the Local Planning Authority. The precise details are to be in line with the indicative details on drawing ADC1354/001B. Once approved, no part of the development hereby permitted shall be brought into use until works to increase the footway and carriageway widths (as shown for indicative purposes only on drawing ADC1354/001B) have been completed to the satisfaction of the Local Planning Authority.
6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission

of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

7. Prior to the commencement of development hereby approved there shall be submitted to and approved in writing by the Borough Council a site level survey plan for the development showing existing and proposed site levels. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
8. Before development is commenced on site there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
9. Before development is commenced there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of disposal of foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
10. No vegetation clearance or ground works shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences, unless otherwise prior agreed in writing by the Borough Council.
11. No development shall commence on site until a detailed survey of Protected Species and their habitats has been conducted and the report and conclusions and recommendations for mitigation measures, including protection measures to be put in place to prevent accidental ingress and damage, and including timings, has been submitted to and approved in writing by the Local Planning Authority. The report shall include: (1) Updated ecological surveys, in the event that 2 years has elapsed since the date of the original survey: (2) Details relating to the protection of retained vegetation, to included trees and hedgerows: (3) A working methodology to minimise impacts on common toad, a Section 41 species (i.e. national conservation priority) recorded on site during the reptile surveys: (4) A detailed landscaping plan, to provide details of planting mixes and establishment regimes and to ensure the use of locally-appropriate native tree and shrub species on the site boundaries: (5) Details of any water attenuation facility, to ensure that this is

multifunctional and designed to maximise its biodiversity value: (6) A detailed lighting scheme, in the event that lighting is required, to be designed to minimise its impacts on nocturnal wildlife: (7) Other biodiversity enhancement measures, such the incorporation of integrated bird and bat boxes into the fabric of the new buildings, measures to provide bird and bat breeding boxes within the site area (8) Pre Start Badger Survey (9) A precautionary survey in relation to owls; in accordance with details to be agreed in writing with the Local Planning Authority. The report shall include measures for the prevention of light spillage to adjacent habitats from the development. The detailed layout and other plans submitted at the Reserved Matters stage shall incorporate all the measures identified including stand-offs and other similar measures to protect the habitat of Protected Species. The mitigation measures identified in the approved details shall be fully implemented in accordance with the approved timings at all times and in their entirety.

12. The detailed plans and particulars to be submitted to the Local Planning Authority as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise agreed in writing by the Borough Council.
13. The detailed plans and particulars to be submitted to the Local Planning Authority as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
14. If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.
15. Unless otherwise agreed by the Borough Council, development must not commence until details relating to the following have been complied with: Site Characterisation An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Borough Council. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological

sites and ancient monuments. Submission of Remediation Scheme Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Borough Council. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme shall be implemented in accordance with the approved details.

16. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works under condition 14 above. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Borough Council.
17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above and, where remediation is necessary, a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The Remediation Scheme shall be implemented as approved.
18. The detailed plans and particulars to be submitted to the Local Planning Authority as reserved matters in relation to layout shall include precise details of how the agricultural access from Woodside Road would be utilised for commercial / farm vehicles and the access to Glebe Drive terminated for commercial / farm vehicles. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise agreed in writing by the Borough Council.

### **Reasons**

1. To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990
2. To comply with the provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
3. To define the scope of this permission.
4. In the interest of Highway Safety.
5. In the interest of Highway Safety, to ensure adequate width is provided on

Glebe Drive to accommodate the additional pedestrian and vehicle movements associated with the development.

6. In the interest of Highway Safety, to ensure construction works do not interfere with the safe operation of the Public Highway.
7. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
8. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
9. To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submission Documents.
10. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
11. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
12. To ensure a satisfactory development in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
13. To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
14. To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
15. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
16. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance

with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

17. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
18. To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

### **Reasons for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

### **Notes to Applicant**

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. Prior to making any application of Building Regs approval. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact (name and telephone number of appropriate person) for detail

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it

occurring.

The detailed surface water drainage scheme to be submitted shall: - require all flows to be attenuated to  $Q_{bar}$  for the entire site;- include provision for the entire site to be drained to the surface water drainage system with appropriate run-off coefficients or other factors used to represent the differing run off characteristics of the various parts of the site;- include an exceedance check using microdrainage software to simulate the drainage system for the 100year + 30% climate change event for a range of durations from 15 minutes to 24 hours to assess where the drainage system may flood. If this occurs, provision must be made for the accumulated volumes and flows to be directed to the surface water attenuation areas; - demonstrate that the surface water drainage system is designed in accordance with CIRIA C635 and C753, and the National SUDS Standards;- demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year plus climate change return periods;- confirm how on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Public sewers have statutory protection by virtue of the Water Industry Act 1991, as amended by the Water Act 2003, and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If you require further information, please contact Severn Trent Water on 0116 234 3834.

The Borough Council requests that the applicant considers incorporating provision for residential dwellings (with dedicated parking) to have dedicated outside electric power points, to allow residents to charge electric/hybrid vehicles into the future (see IET Code of Practice for EV Charging Equipment Installation).

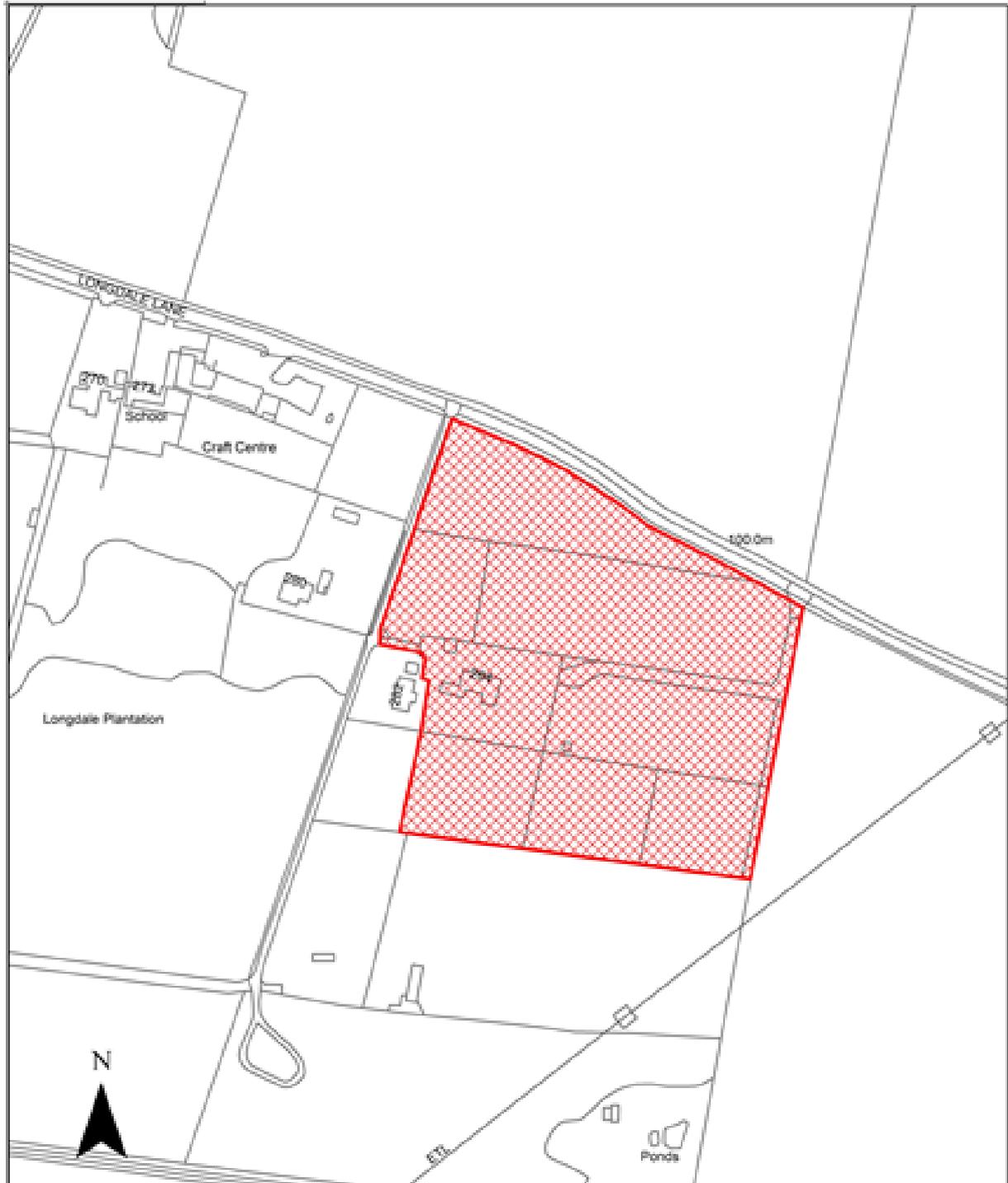
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the applicant to discuss issues raised, providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised; and providing updates on the application's progress.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.



**Application Number:** 2016/0989  
**Location:** 284 Longdale Lane, Ravenshead, Nottinghamshire, NG15 9AH.



**NOTE:**  
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.  
Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings

## **Report to Planning Committee**

<b>Application Number:</b>	2016/0989
<b>Location:</b>	284 Longdale Lane, Ravenshead, Nottinghamshire, NG15 9AH.
<b>Proposal:</b>	The retention of the equestrian and residential access, the change of use of land from agricultural to equestrian and the erection of boundary treatment.
<b>Applicant:</b>	Mr Simon Rood
<b>Agent:</b>	Miss Laura McCombe
<b>Case Officer:</b>	Cristina Dinescu

### **Site Description**

The application site relates to Green Belt land currently being used for recreational equestrian activities. There is a residential barn conversion, no.284 Longdale Lane, sited within the fields within the ownership of the applicant. The land to the north of the residential curtilage is paddock land which has the benefit of a planning permission to erect a stable block with a tractor shed and a manege area.

Current access to no.284 and the fields is via Longdale Lane through two separate private drives, one to the east and one to the west. The private drive to the east serves only the application site whilst the one to the west is a shared private drive with no's 280, 282 and 284.

The application site is adjoined by a detached two-storey dwelling to the west at no. 282 Longdale Lane and open fields to the east and south.

The application site is set within the Nottinghamshire Green Belt as indicated on the Proposals Map of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2014.

### **Relevant Planning History**

In May 2005 (ref. no. 2005/0278) Planning Permission was granted to convert existing brick barns into one residential unit with an extension to the eastern side. In 2007 (ref. no. 2007/0472) and 2010 (ref.no. 2009/1027) the dwelling was further more extended.

In 2007 (ref. no. 2007/0023) Planning Permission was granted to erect a detached

garage on the northern property boundary.

2007/0499 – Planning Permission was granted for a tractor shed and stables.

2009/0223 – Planning Permission was refused for a two-storey extension to provide bed and breakfast.

2010/0344 – Planning Permission was granted to relocate the tractor shed and stables.

2011/1208 – Planning Permission was refused for a two-storey rear extension to the dwelling.

2014/0074 – Relocation of the tractor shed and stable and provision of a manege.

In 2015 (ref. no. 2015/0684) Planning Permission was granted for an extension to the garage.

2016/0989 – in September 2016 a planning application was submitted for the retention of an extension to the existing garage and store to provide a stable. This is yet to be determined.

### **Proposed Development**

Full Planning Permission is sought to retain an equestrian and residential access, the change of use of land from agricultural to equestrian and the erection of a boundary treatment.

The equestrian and residential access is approximately 160 metres long and it is located on the eastern side of the application site with a gated access to Longdale Lane. The track is constructed with overlaying gravel on a previous overgrown hardcore track. It was constructed to allow larger vehicles and horse transporters to access the paddocks and equestrian land used to keep horses.

The boundary treatment is located to the north-eastern side of the residential curtilage, along the existing lawful residential access. The wall measures 2.1m at its highest point from ground level, measured from the paddock.

A Planning Statement has been submitted in support of the application. It is stated that the fields surrounding the dwellinghouse have been used for the keeping and exercising of the applicant's horses since 2005. The applicant has four horses that are being kept in Livery elsewhere and two ponies that are being kept in the store and stable on site. The access lane is required to enable the applicant's land to be accessible for larger vehicles. The existing shared driveway is very narrow with limited passing space making it difficult to be accessed by horse transporters and delivery of equine related provisions. The brick wall is a replacement of wooden fencing.

Part of the access to be retained overlaps the highway boundary and the requisite Certificate has been served on the Highway Authority.

## **Consultations**

**Ravenshead Parish Council** – Strong objection to the planning application; the second gated entrance to the property has been opened without planning permission and is therefore retrospective. No justification has been given for the apparent need for a second entrance to the property in a situation where the existing entrance is perfectly adequate. We recommend immediate closure of the second gate which also generates potential highway issues on this very busy road. It is unclear why the proposed change of use from agricultural to equestrian status is required, nor the external implications and extent of the equestrian activities which will follow. Finally complaints have been received regarding concerns about the closeness and height of the wall in question which also now seeks retrospective permission.

**The Highways Authority** – This application is retrospective with the access already constructed. The site has been visited prior to the application being submitted and assessed to be acceptable in terms of highways and visibility. Therefore there are no highway concerns.

**Planning Policy** – Consideration should be given to whether the proposed access and boundary treatment can be classed as not inappropriate development and the implications of the Kemnal Mount judgement. The applicant will need to demonstrate that there are very special circumstances for the change of use of land to equestrian use (and potentially the access and boundary treatment) that clearly outweigh the harm to the openness of the Green Belt and any other harm caused.

The application has been advertised as a Departure from the Local Plan, adjoining neighbours have been notified by letter and a site notice and press notice have been posted – One letter of representation was received as a result. The concerns raised can be outlined as follows:

- References about a different proposal on the same site;
- The brick wall seriously reduces the openness of the area;
- The solution to create a new entrance is selfish.

## **Planning Considerations**

In my opinion the main planning considerations in the determination of this application are the following:

- Impact on the Green Belt;
- Impact on residential amenity;
- Highway safety.

The relevant national policy guidance in respect of these matters is set out in the National Planning Policy Framework (March 2012). At the heart of the NPPF is a presumption in favour of sustainable development. The core planning principles set out in the guidance states at paragraph 17: -

Planning should:

- 'proactively drive and support sustainable economic development to deliver

homes, business and industrial units, infrastructure and thriving local places that the country needs;

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'; and
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

In particular the chapter 9 "Protecting Green Belt Land" is relevant in considering this application.

Paragraph 79 of the NPPF states that, 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

Paragraph 80 identifies the five purposes that Green Belt serves as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 states that, 'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. In this context, paragraph 88 goes on to state that, 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

Paragraph 89 of the NPPF states that, 'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are, inter-alia, provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'.

Gedling Borough adopted the Aligned Core Strategy (ACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan along with certain policies saved contained within the Gedling Borough Council Replacement Local Plan referred to in Appendix E of the ACS.

The following ACS policies are relevant:

- Policy A: Presumption in Favour of Sustainable Development
- Policy 3: The Green Belt.

The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) are also relevant:

- ENV1 (Development Criteria); and
- R11 (Keeping of Horses and Construction of Small Stables).

Policy R11 states that:

‘Planning permission will be granted for the keeping of horses for recreational purposes and construction of small stables provided that:

- a) they are in accordance with Green Belt Policy and would not conflict with the purposes of including the site within the Green Belt;
- b) any new building in the countryside is small in scale and is an essential facility required in connection with outdoor sport or recreation;
- c) built development is sited and designed to minimise its visual impact;
- d) the proposal would not adversely affect any nearby residential properties; and
- e) it would not cause traffic problems and
- f) they would not adversely affect sites of nature conservation interest or mature landscape areas. ‘

The Local Planning Document (LPD) for Gedling Borough was approved for publication by Council at its meeting on 20<sup>th</sup> April 2016 and was published for a six week consultation on 23<sup>rd</sup> May 2016 ending on 4<sup>th</sup> July. Paragraph 216 of the NPPF sets out that from the day of publication weight may be given to relevant policies in emerging plans according to:

- The stage of preparation (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency with the NPPF (the greater the consistency, the greater the weight that may be given).

Following publication and prior to all comments being considered it is recommended that only limited weight can be given to the LPD. Relevant policies in the LPD include:

- Policy LPD 25 Equestrian Development.

### **Impact on the Green Belt**

The proposed development is within the Green Belt where there is a general presumption against development. The NPPF at paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

I am mindful that the change of use of the application site to equestrian use and the creation of an access track would not be considered appropriate development in the Green Belt. Paragraph 87 states that inappropriate development in the Green Belt should not be approved unless ‘very special circumstances’ can be demonstrated.

The planning statement accompanying the application forwards the special circumstances from the agent: This includes:

- The applicant's landholding extends in total to over 3 hectares, the majority of which is utilised as paddocks for the keeping and exercising of horses;
- The horses are all domestic hobby horses and there is no commercial equestrian activity;
- The land has been used for the keeping of horses for over 10 years.

I note that paragraph 89 lists a number of appropriate buildings that can be erected in Green Belt, amongst them being provision of appropriate facilities for outdoor sport, outdoor recreation, as long as the openness of the Green Belt is preserved. Local Planning Authorities are encouraged under paragraph 81 to positively enhance the beneficial use of Green Belt by supporting applications which improve accessibility and supporting opportunities for recreational use.

When considering very special circumstances it is my opinion that the access to the sport and recreation facilities on a domestic scale would carry little weight. However, weight should be given to paragraph 81, in itself; I do not consider that this is a very special circumstance.

In relation to this application the very special circumstance is derived because the change of use of the fields to an equestrian use, the creation of an access track, and the replacement of a means of enclosure would not alter the appearance or character of the fields and it would preserve the openness of the Green Belt at this site and the purposes of including the land within the Green Belt. 'Very special circumstances' are required to overcome the harm to the openness of the Green Belt and any other harm. Paragraph 79 states that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. It would be unreasonable in my view to refuse this application because there would be negligible harm to the openness of the Green Belt or the purpose of including land within the Green Belt at this location. In my opinion the actual harm to the Green Belt in this location in terms of the impact on openness or any other harm needs to be given substantial weight. I consider that there would be less than substantial actual harm to the openness of the Green Belt as a result of the development.

Given the information received I consider the change of use, the creation of an access, and the erection of the means of enclosure to be appropriate for an outdoor sport or recreation activity, given the absence of buildings and the lack of commercial activity I consider there to be very special circumstances that outweigh the harm to the openness and any other harm to the Green Belt in this instance.

Whilst I note the application site is served by a shared private drive, along with other dwellings in the vicinity, I consider the second access to be more appropriate to the equestrian use of the application site, given the different type of vehicles associated with the keeping of horses. I note the second access would also serve the residential dwelling and therefore could be considered encroachment into the countryside. However, given the need for a second access associated to the equestrian use has been established, I consider the degree of encroachment is limited in this location. I also note that the surfacing is loose stone aggregate and is well assimilated in the

landscape with the use of landscaping such as hedgerows and trees. I consider that on balance the access to be retained has a rural appearance and is sited to give access to land managed / within the ownership of the applicant, and would not unduly impact on the openness of the Green Belt in this location.

I note that the brick wall erected is a replacement of a previous means of enclosure. I also note that under the General Permitted Development Order means of enclosure measuring less than 2 metres in height does not require planning permission within the Green Belt. Given that the brick wall is a replacement of a previous means of enclosure and that its height (2.1 metres) does not represent a significant increase to a means of enclosure that could be erected under permitted development, I consider the brick wall to have a limited degree of impact on the openness of the Green Belt in this instance. Given the limited harm to the openness of the Green Belt or any other harm I do not consider that the means of enclosure is inappropriate to the Green Belt in this location.

I note the agent considers in the Planning Statement, submitted with the application, that the access track and the brick wall should be classed as engineering operations and therefore they would not constitute inappropriate development in the Green Belt. However, in my opinion, as the brick wall has been erected to replace an existing boundary treatment and the access track has been constructed of gravel, the two elements of this application should not be considered engineering operations.

Given that the special circumstances considered state that the use of the land for horses is all on a domestic level, should planning permission be forthcoming a condition would be attached restricting the use to domestic equestrian only without any commercial livery facilities.

In conclusion I have identified the following as being capable of forming the very special circumstances required to permit inappropriate development in the Green Belt.

- Domestic nature of the equestrian use;
- The limited degree of impact on encroachment and openness;
- The change of use relates to activities for outdoor sport and recreation.

Taking these considerations into account I am satisfied that, on balance, the proposal accords with Green Belt policies.

### **Impact on residential amenity**

Given the location of the application site, significant distances to neighbouring properties and the domestic nature of the equestrian use, I am satisfied the proposal would have no undue impact on adjoining properties.

### **Highway safety**

I note the comments received from the Highways Authority and I am therefore satisfied there are no highway safety implications as a result of the development.

## **Conclusion**

At the heart of the NPPF is a presumption in favour of sustainable development, for decision making purposes this means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
- or Specific policies in this framework indicate the development should be restricted.

In light of the considerations given above in relation to:

- Impact on Green Belt
- Impact on residential amenity
- Highway safety

Given the above considerations I am satisfied that there would be no undue impact on the openness of the Green Belt, the amenity of nearby residential properties or on highway safety. I therefore recommend that planning permission be granted.

## **Recommendation:**

### **To GRANT CONDITIONAL PLANNING PERMISSION**

#### **Conditions**

1. The development hereby approved shall be retained in accordance with the submitted Block Plan of Site, Application Forms, Planning Statement (ref: MJD/ROOD/16/1482) and Location Plan submitted to the Borough Council on 9th September 2016
2. The application site shall be used only for domestic equestrian purposes in connection with no.284 Longdale Lane as shown on the location plan received on 9th September 2016 and no livery/riding school, business, or commercial use is permitted unless otherwise agreed in writing by the Borough Council.

#### **Reasons**

1. For the avoidance of doubt.
2. This is to restrict the volume of traffic entering and leaving the site.

#### **Reasons for Decision**

In the opinion of the Borough Council, the proposed development is acceptable in terms of Green Belt policy and would have no adverse impact on the openness of

the Green Belt. The proposal will have no undue impact on the amenity of neighbouring residential properties. The proposal therefore complies with Policies ENV1 and R11 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) and advice contained within the NPPF (2012).

### **Notes to Applicant**

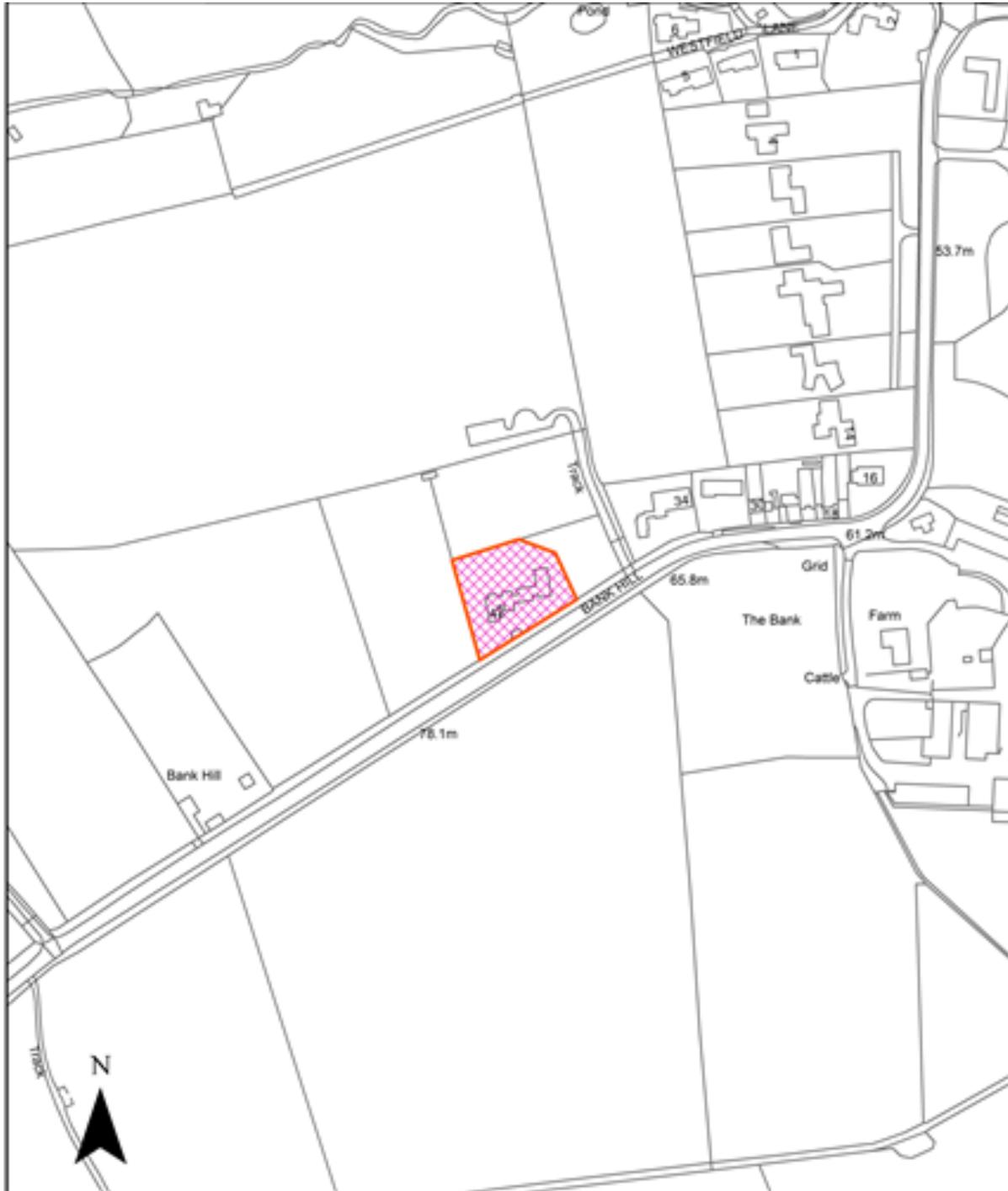
Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application. Negotiations have taken place before the submission of the application in connection to an ongoing enforcement investigation.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.



**Application Number:** 2016/1011  
**Location:** 42 Bank Hill, Woodborough, Nottinghamshire, NG14 6EF.



**NOTE:**  
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.  
Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings

## **Report to Planning Committee**

**Application Number:** 2016/1011

**Location:** 42 Bank Hill, Woodborough, Nottinghamshire, NG14 6EF.

**Proposal:** Adaptation of an existing attached stable building into two levels of living accommodation with associated raised roof works and dormer windows, central ground floor infill structure to house, adaptation of existing garage to living accommodation with associated roof works, replacement dormer windows, new hard landscaping works, and over cladding of the existing external walls.

**Applicant:** Mr Mark Rosenberg

**Agent:** Mr John Morris

**Case Officer:** Alison Jackson

### **Site Description**

42, Bank Hill, Woodborough is a two storey detached property which is set within extensive grounds within the Green Belt. There is an existing attached single storey garage to the property leading onto an attached single storey stable building. Access to the site is via Bank Hill. There is a large gravelled driveway to the front of the property. There is a large rear garden area to the property which is currently terraced. The rear boundary adjoins open land. The immediate neighbouring property no. 34 is set some distance away from the application site.

### **Relevant Planning History**

Planning permission was granted in 1992, reference 92/0237, for the erection of a garage, extension and alterations to the dwelling. Permission was also sought for the erection of stables adjacent to the site however, this element was withdrawn.

Planning permission was granted in 1992, reference 92/0616, for the erection of stables at the site.

Planning permission was granted in 1994, reference 94/0416, for the erection of a conservatory extension to the property.

### **Proposed Development**

Planning permission is sought for the following:

- Conversion of the existing stable building into two levels of living accommodation at ground and first floor which includes alterations to the roof and the insertion of dormer windows;
- A front porch extension;
- Alteration of the front two storey hip roof to a gable roof;
- A central ground floor extension providing habitable accommodation;
- The conversion of the existing garage to living accommodation including associated roof works;
- Replacement of existing dormer windows;
- Replacement of the rear dormers with gables;
- Landscaping works to the rear of the dwelling creating terraced areas; and
- Over cladding of part of the existing external walls and chimney together with rendering and stone cladding.

An additional plan was submitted during the processing of the application which shows how the proposed converted and extended stable building and the garage conversion are linked to the existing dwelling. This clarifies the fact that the converted and extended elements to the building are not proposed to be used as independent living accommodation.

### **Consultations**

Woodborough Parish Council – concerns are raised about the height of the development and the impact on the openness of the Green Belt.

Local residents have been notified by letter and the application has been advertised on site and within the local press – I have received no letters of representation as a result.

### **Planning Considerations**

The main planning considerations in the determination of this application are whether the proposal constitutes appropriate development in the Green Belt, the impact on the character and openness of the Green Belt and the visual impact of the proposals on the character and appearance of the property. The impact of the proposals on neighbouring properties will also need to be assessed together with any impact on highway safety.

The following policies are relevant to the application:

National Planning Policy Framework 2012:

Part 7 – Requiring Good Design  
Part 9 – Protecting Green Belt Land

Paragraphs 79 and 80 state that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. To this end the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In addition paragraph 89 states that local planning authority's should regard the construction of new buildings as inappropriate in the Green Belt however, one of the exceptions to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Gedling Borough Council Aligned Core Strategy 2014:

Policy 3 – The Green Belt

Policy 10 – Design and Enhancing Local Identity

Gedling Borough Council Replacement Local Plan (Saved Policies 2014):

ENV1 – Development Criteria

ENV28 – Extensions to dwellings or limited residential curtilage buildings in the Green Belt

The property is located within the Nottinghamshire Green Belt. Saved Policy ENV28 of the Replacement Local Plan (2014) is therefore relevant. This saved policy identifies that limited extensions to residential properties are appropriate where they would not be disproportionate to the size of the original dwelling. An increase of 50% of the original floor space is a maximum size for extensions beyond which extensions would be considered inappropriate since such enlargements or cumulative enlargements of such scale are likely to have a detrimental impact on the openness of the Green Belt.

Paragraph 89 of the National Planning Policy Framework reflects the above Policy in that extensions to existing buildings are considered appropriate provided they do not result in disproportionate additions over and above the size of the original building. Paragraph 89 however, unlike policy ENV28, does not specify an exact figure beyond which extensions would be considered inappropriate.

The existing property has an original floor area of approximately 166.22 square metres. The property in terms of the above policy could be extended up to 50% of the floor area of the original dwelling. Therefore a further 83.11 square metres of floor area could be added to the dwelling providing that any extensions do not result in an adverse impact on the open character of the Green Belt.

The property as set out above has been previously been extended and these extensions therefore are taken into account as part of the 50% allowance for which the property could be extended above the original floor area. The previous extensions equate to a total floor area of 75 square metres.

With these previous extensions alone being taken into account the property has already been extended by 45.1% above the floor area of the original dwelling, leaving very little allowance to further extend, the total allowance as set out above being 50%.

The extensions proposed under this application equate to a total floor area of 135.6 square metres. The combined total therefore of the previous extensions together with the proposed extensions, under this application equate to a proposed increase in floor area of 210.6 square metres which amounts to an increase in the original floor area of the dwelling by 126.6%.

This increase in floor area clearly exceeds the requirement of policy ENV28 above as the 50% of the floor area of the original dwelling has been substantially exceeded.

The lower case text of this Policy, set out above, states that cumulative enlargements to a dwelling are likely to have a detrimental impact on the openness of the Green Belt.

However, given the design of the extensions, which mainly amount to alterations to the existing dwelling, their relationship with the existing dwelling, and their positioning on the site, I consider that whilst there is some impact on the openness of the Green Belt, this impact is not significant as the extensions are viewed against the backdrop of the existing dwelling where there is already built form and the footprint of the extensions do not significantly encroach onto the openness of the Green Belt.

Whilst the floor area of the original dwelling is set out above I am mindful that part of the roof areas above the adjoining garage and stable building could be utilised without the need for planning permission and this useable floor area would equate to 58 square metres. Furthermore, a number of extensions could be undertaken at the property under permitted development rights, in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015.

With this in mind, I consider that substantial single storey side extensions and single storey rear extensions could potentially be erected to the property together with a two storey rear extension. These extensions would in my opinion create a substantial increase in the floor area of the original dwelling for which planning permission would not be required.

These possible extensions under permitted development would in my opinion amount to a significant impact on the openness of the Green Belt, given their siting and potential scale, unlike the extensions and alterations proposed under this application which would be largely restricted to the existing footprint of the property.

I attach substantial weight to the above, given that extensions to dwellings, under permitted development rights, are not restricted in the Green Belt and therefore they must be considered appropriate.

With this in mind, given the fall-back position above, I consider that the proposed extensions under this application, whilst at variance with policy ENV28, are far more

acceptable than what could be undertaken under permitted development rights, given that the extensions proposed under this application are relatively small scale in comparison and do not result in a significant impact on the openness of the Green Belt.

Whilst, therefore the proposal is at variance with Policy ENV28, as set out above, I consider that this is a pragmatic approach given the fall-back position. I am also mindful that if planning permission was granted for the proposals under this application permitted development rights could be withdrawn from the property which would allow future control over any proposed extensions to the property which may fall under permitted development rights, should the development proposed be implemented.

In respect to the design of the extensions, I am satisfied that these are in keeping with the character and appearance of the existing dwelling in that the extensions appear ancillary to the main dwelling and whilst some more modern materials are proposed to be used in the construction of the extensions, these will not detract from the character of the dwelling. In my opinion these will complement the appearance of the existing property.

I am therefore satisfied, in this respect, that the proposals accord with policies set out above.

Given the distance of the property to neighbouring dwellings, I am satisfied that there would be no undue impact onto neighbouring dwellings in terms of any overbearing, overlooking or overshadowing impact.

Whilst I note that the existing garage would be lost as part of the proposal as this is proposed to be converted to habitable accommodation, given that there is a large driveway area to the frontage of the property I am satisfied that there are no highway safety implications arising.

Whilst therefore the proposals do not strictly accord with the aims of the Green Belt policies set out above, given the considerations above, I am satisfied that there is a justification in this instance to grant planning permission for the proposed extensions and alterations to property.

I am also satisfied that the proposals accord, in terms of the design of the proposals and their impact on neighbouring properties, with Policy 7 of the National Planning Policy Framework, Policy 10 within the Aligned Core Strategy and Policy ENV1 of the Replacement Local Plan.

Accordingly, I recommend that planning permission be granted.

**Recommendation:**

**To GRANT PLANNING PERMISSION**, subject to the following conditions:

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be undertaken in accordance with the details as set out within the application forms received on the 16th September 2016, the plans received on the 16th September 2016, drawing numbers P-03, P-04 and the additional plan received on the 3rd February 2017, drawing number P-04.
3. No works permitted under Class A, B, C, D or E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council as Local Planning Authority.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the protection of the Green Belt, in accordance with the aims of policy ENV28 of the Replacement Local Plan (Certain Policies Saved 2014).

### **Notes to Applicant**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

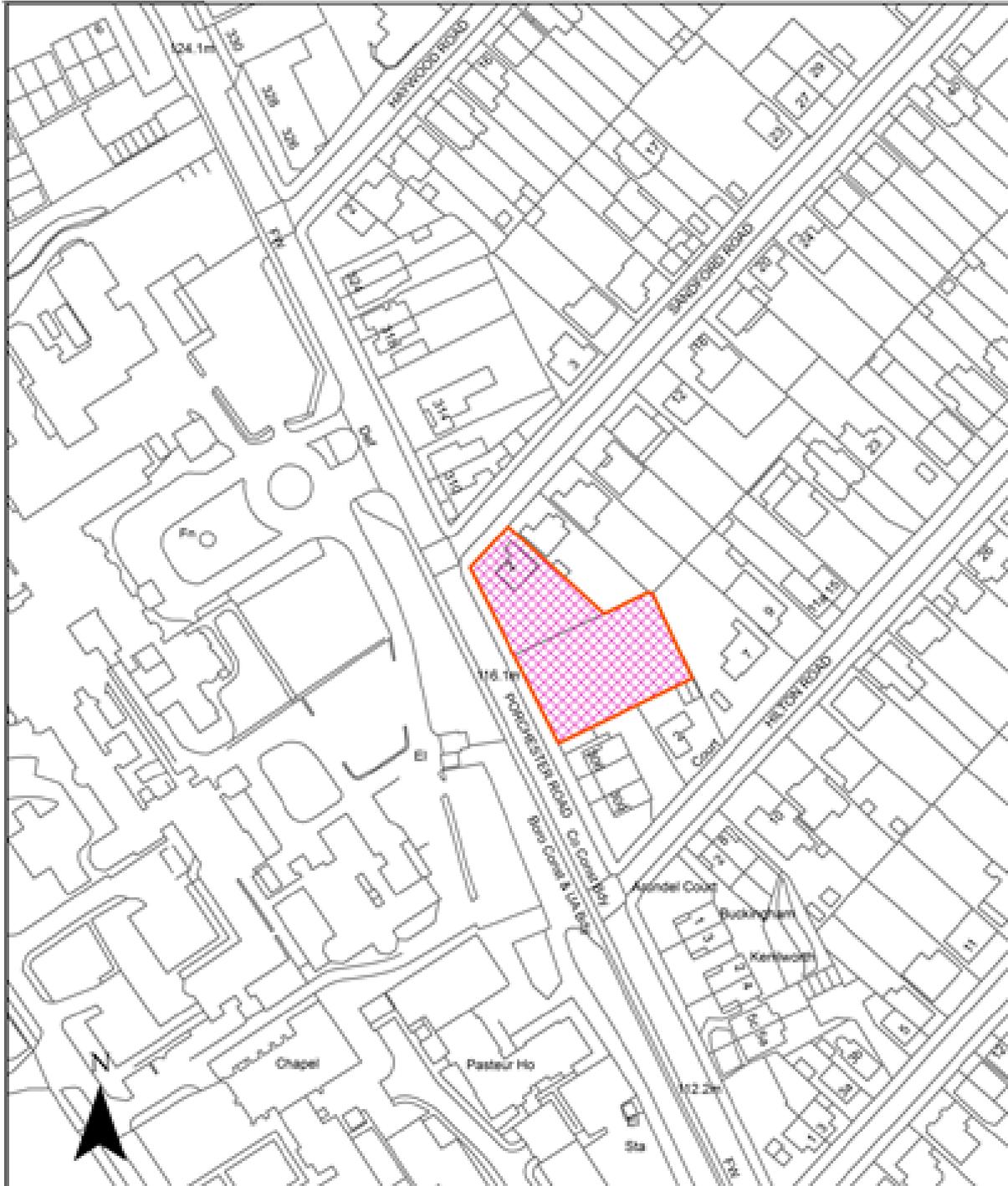
The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.gedling.gov.uk](http://www.gedling.gov.uk). The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.





**Application Number:** 2016/1033  
**Location:** 2 Sandford Road, Mapperley, Nottinghamshire, NG3 6AL.



**NOTE:**  
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings

## **Report to Planning Committee**

<b>Application Number:</b>	2016/1033
<b>Location:</b>	2 Sandford Road, Mapperley, Nottinghamshire, NG3 6AL.
<b>Proposal:</b>	Demolition of Existing Dwellings at 2 and 2A Sandford Road and Erection of Building to Provide 10no. Dwellings with Associated Access, Parking and Rear Amenity Space. Renewal of Planning Permission Ref: 2010/0936
<b>Applicant:</b>	Mrs L Parker
<b>Agent:</b>	M & O Architects
<b>Case Officer:</b>	Nick Morley

### **Site Description**

The application relates to 2 and 2A Sandford Road, and the associated garden area, located on a corner plot of land at the junction of Sandford Road and Porchester Road. The property is split-level, with a single storey front elevation and two storey rear elevation. The lower rear ground level has been converted into a self-contained flat. At present, the existing building on the site is derelict and the garden area has been unmanaged for some time. The existing vehicular access to the site is off Sandford Road.

There is a significant change in levels between the boundary of the site with Porchester Road and the rear boundary with 7 Hilton Road, which is approximately 8 metres lower. The site boundaries consist of a mix of close-boarded fencing and hedges.

Residential properties adjoin the site at 4 Sandford Road and 7 Hilton Road, as well as two storey flats, with basement garaging to the rear, at Barclay's Court, and Lombard Court. Barclay's Court has a frontage onto Porchester Road and Lombard Court has a frontage onto Hilton Road. Lombard Court has ground and first floor apartments.

Trees protected by a Tree Preservation Order are located within the site adjacent to the boundary with Porchester Road.

### **Relevant Planning History**

In August, 2013, and after extension negotiations, the Borough Council resolved to grant planning permission under application no: 2010/0936 for 10 dwellings with associated access, parking and rear amenity space, subject to a Section 106

planning obligation with the County Council towards primary education. Following completion of the S106 planning obligation, the decision notice was issued on 17<sup>th</sup> January, 2014. This planning permission has now recently expired.

### **Proposed Development**

Full planning permission is again sought for the demolition of the existing dwellings at 2 and 2A Sandford Road and the erection of a single building to provide 10 dwellings, with associated access, parking and rear amenity space. This would result in the renewal of the previous planning permission no: 2010/0936.

The 10 dwellings would consist of 6 four bedroom dwellings, 3 three bedroom dwellings and 1 one-bedroom dwelling, taking into account that the study's proposed for some of the dwellings could easily be converted into bedrooms.

The proposed building would be of a contemporary design and would be split-level, in order to utilise the slope of the site between the boundary with Porchester Road and the boundaries to the rear. The front elevation of the building would be at a lower level to the adjoining highway on Porchester Road by a maximum of 2.5 metres. Approximately two-thirds of the front elevation facing Porchester Road would be two-storey, with dormer windows in the roof. This part of the front elevation would have approximate heights of 5.5 metres to the eaves and 8.25 metres to the ridge. The ridge of the proposed building would sit approximately 1.9 metres higher than the ridge of the neighbouring flats at Barclay's Court.

The height of the building would drop to single storey, also with dormer windows in the front elevation of the roof, towards the junction with Sandford Road and angling around this to the boundary with 4 Sandford Road. The front elevation to this section of the building would have approximate heights of 3 metres to the eaves and 6 metres to the ridge.

To the rear elevation, the proposed building would have a maximum height of 14.4 metres, when measured from basement level to the top of the roof, the central parts of which would be flat. The rear elevation would include angled oriel windows to the ground level of the dwellings with the vehicular access ramp and basement level parking below. Windows are also proposed to the first floor level of the dwellings and roof light windows to the rear facing roof slopes.

Proposed materials for the building include brickwork with timber clad sections to the front elevations, render to the rear elevations and tiles to the roof. Modern styled chimneys are proposed clad in metal panelling. The layout plans indicate 2 metres high boundary treatments, measured from the level of neighbouring properties, and soft planting to the perimeter of the rear grounds. A landscaped bank with new tree planting is proposed to the front of the building, with steps from the ground level of the building to pavement level on Porchester Road. Pedestrian access would also be available onto Sandford Road. Bin storage is shown to be housed within indents to the ground floor front elevations.

Remote-controlled electric gates are proposed to the front elevation of the building, close to the boundary with the neighbouring flats at Barclay's Court. The gates

would be set back from the boundary with the highway by approximately 4 metres and would lead onto a ramp providing access to basement parking. The first 5 metres of the ramp would have a gradient of 1 in 20. Thereafter, the ramp would have a gradient of 1 in 12 and would emerge from, and sit parallel with, the rear elevation of the building before re-entering the building until it reaches the proposed ground level. The edge of the ramp would have a barrier wall measuring some 0.9 of a metre in height.

The proposed lower ground plan shows a total of 20 car parking spaces, 6 of which would sit adjacent to the ramp within the building footprint with the remainder to the car park which occupies the majority of space to the rear of the building. Motorcycle, bicycle storage and lock up units are also shown at basement level, as well as a lobby area providing staircase access to the dwellings. Lift access is also shown from basement level to the dwellings.

The Design and Access Statement states, inter-alia, that the surface finish of the proposed ramp would be such that drainage can be controlled to drain to the sides of the ramp. Ice would be controlled through the texture of the surface finish and the building management would include provision of a salt box to be spread, when required, by the management company. Lighting to the ramp is proposed at low level within the barrier wall and would not be directed towards neighbouring properties or occupiers of the building.

A plan showing the proposed visibility splay relating to the vehicular access has been submitted.

An additional drawing showing the proposed west, north and south rear elevations, and a revised Design and Access Statement, have been submitted during processing of the application.

## **Consultations**

Local Residents - have been notified by letter, site notices have been posted and the application has been publicised in the local press.

I have received 7 letters and emails from local residents, which make the following comments, after consultation in respect of the application as originally submitted and the additional information subsequently provided:

- The proposed retaining wall to the rear of Lombard Court, on Hilton Road, may be higher than the existing fence and the height of this should be limited, and no greater than 2 metres from the existing ground level.
- Concern is expressed that the height of the proposed car park would result in the ground floor apartment of Lombard Court becoming a basement flat with a loss of natural light to the garden and rear rooms. The proposed tree planting would exacerbate this impact.
- There would be reduced access for maintenance to the rear of the Lombard Court garages and other existing boundary treatments.

- Although the site is unkempt, there is currently a large area of land absorbing surface water, so the disposal of surface water from the extensive hard surfacing, which would replace the existing green area, is a concern. This should be into the mains drainage, as the ground is unsuitable for soakaways. There are no details on the submitted plans which show how foul sewage would be connected to the main sewer.
- The proposed development would involve the removal of well-established trees, some of which have Preservation Orders on them, which will reduce the sound-proofing effect these trees currently have for existing properties near Porchester Road.
- The proposed access to the rear involves the construction of an entrance which would have a wall alongside to guide vehicles into the rear car parking area. This wall reduces in height as it bends to the left. However, due to the lie of the land, this wall would be very imposing initially and rather ugly. It would come off Porchester Road at a height which is considerably greater than the height of the adjacent boundary fence to Lombard Court.
- The proposed car park entrance could cause a road safety hazard for drivers exiting onto Porchester Road from Hilton Road. This is already a challenging manoeuvre because traffic along Porchester Road is exceptionally busy, particularly during the morning and evening rush hours.
- Noise, disturbance and dust should be mitigated during construction and local residents should be compensated for any disturbance. How long would construction take and where would construction traffic access the site?
- The retaining wall between Lombard Court and Barclay Court is old and weak and would not stand up to any heavy construction adjacent to properties. Who would be responsible should any damage occur?
- The site is overgrown with Japanese Knotweed, which should be professionally treated and removed, to ensure that the roots do not spread.
- The Mapperley area is already over-developed with similar apartments, when family housing is required.
- The proposed development will overlook adjacent properties, leading to a loss of privacy and devaluation of property.
- There is a lot of wildlife in the land, including bats and birds, which should be taken into account.
- The grant of planning permission to the owner, rather than a developer, does not mean that anything will happen with this site, which has been an eyesore for many years. Gedling Borough Council should compulsorily purchase the land and develop it in a sensible manner.
- The development should be described as flats, not houses.

- The previous conditions regarding drainage, boundary treatments, retaining structures, lighting and soft landscaping should be re-imposed.

Nottinghamshire County Council (Highway Authority) – has no concerns, subject to the imposition of appropriate conditions regarding the proposed dropped vehicular footway crossing, re-instatement of the existing dropped kerb access on Sandford Road, visibility splays, vehicle access, access gradient, surfacing and drainage of the access and parking areas, and cycle parking.

A note is also recommended with regard to works on the public highway.

Nottinghamshire County Council (Forestry Officer) – agrees that the mature existing sycamore trees are of low significant quality, due to inherited physiological defects associated to sycamore trees.

However due to the size and number of sycamore trees, the trees still offer good amenity value, which is likely to be lost once development begins.

The proposed replacement planting of hornbeam is a suitable choice for the site, and it is recommended that the replacement trees continue to be protected as per the sycamore trees.

Comments are also made with regard to the safety of highway users, how the replacement planting is to be undertaken and measures to ensure the stability of the highway.

Nottinghamshire County Council (Strategic Planning) – outlines the National and County Planning Policy context and Strategic Planning Issues, and makes the following specific observations:

#### *Waste*

There are no existing waste sites within the vicinity of the site, whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities.

#### *Minerals*

The County Council does not wish to raise any objections to the proposal from a minerals safeguarding perspective.

#### *Public Health*

All development should take into account local health issues and minimise the negative impacts of the development on health, whilst also seeking to deliver health benefits where possible.

#### *Strategic Transport*

No strategic transport planning objections.

### *Transport & Travel Services*

It is not envisaged that contributions towards local bus service provision will be sought, although it would be expected that all properties would have free introductory bus travel made available to them which, along with other sustainable travel measures, should be set out in a site Travel Plan.

However, in order to promote sustainable travel, bus stop improvements in the form of real time bus stop poles and displays, raised boarding kerbs and enforceable bus stop clearways are requested to two bus stops on Moore Road.

### *Nature Conservation*

Given that the site is an area of informal greenspace supporting mature trees, and the proposal involves the removal of these and the demolition of a building, a Preliminary Ecological Appraisal should have been carried out to establish the presence or absence of protected species and to inform the need for any mitigation. In addition, advice on the form an appraisal should take, surveys and landscaping, has been provided.

### *Developer Contributions*

The County Council will seek developer contributions in relation to its responsibilities in line with its adopted Planning Obligations Strategy.

Nottinghamshire County Council (Education & Libraries) – A development of 10 dwellings would yield 2 primary places and 2 secondary places.

Planning Practice Guidance does not allow for contributions from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres. However, unless there is clear evidence available that this application is below this threshold, the County Council would wish to seek a contribution of £22,910 to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

In terms of secondary education, based on current projections, the additional secondary places can be accommodated in the existing catchment academy.

Further information about the contributions that would be sought and the justification for this has also been submitted.

In terms of libraries, contributions are only requested on schemes for 50 dwellings or more. As this application is below this threshold, the County Council would not be seeking a contribution for libraries provision.

Nottinghamshire County Council (Lead Local Flood Authority) – any comments received will be reported verbally.

Severn Trent Water – any comments received will be reported verbally.

Economic Development – is supportive of this application. The number of dwellings to be constructed will require a local labour agreement on the site to support training, employment and work experience activities during the term of build.

Public Protection – make the following observations:

#### *Land Contamination*

No comments

#### *Air Quality*

Whilst the proposed development is unlikely to impinge on the Air Quality Management Area (due to the scale of the development), Public Protection would ask that the applicant is mindful of Section 124 of the NPPF; in particular sustaining ‘...compliance with and contribute towards EU limit values...’. Public Protection would recommend an informative is placed on the decision notice to encourage the applicant to consider mitigation in the form of electric vehicle charging infrastructure.

Nottinghamshire Police (Force Architectural Liaison Officer) – notes the provision of security gates to the access to the car parking area and recommends that the stairs and lift from the lower parking area are fitted with resident only access systems.

Attention is also drawn to relevant parts of the new Building Regulations and the Secured by Design Award.

### **Planning Considerations**

In addition to the over-arching planning policy and sustainable development considerations, the main planning considerations in relation to this application are the impact of the proposed development on residential amenity and highway safety; the design and layout of the proposed development; the loss of protected trees; and the impact of the proposed development on the local ecology.

### **Most Relevant Policies & Background Information**

#### *National Planning Policies*

National planning policy guidance is set out in the National Planning Policy Framework (NPPF), at the heart of which is a presumption in favour of sustainable development. With regard to delivering sustainable development, the following core planning principles of the NPPF are most relevant to this planning application:

- NPPF Section 6: Delivering a wide choice of high quality homes (paragraphs 47-55)
- NPPF Section 7: Requiring good design (paragraphs 56-68)
- NPPF Section 10: Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)

- NPPF Section 11: Conserving & enhancing the natural environment (paragraphs 109-125)

With regard to plan-making and decision-taking, the following sections of the NPPF are most relevant to this planning application:

- NPPF: Ensuring viability and deliverability (paragraphs 173-177)
- NPPF: Planning conditions and obligations (paragraphs 203–206)
- NPPF: Annex 1: Implementation (paragraphs 208-219)

In March 2014, National Planning Practice Guidance (NPPG) was published. This provides guidance on how to apply policy contained within the NPPF.

### *Local Planning Policies*

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014), which is now part of the development plan for the area.

It is considered that the following policies of the ACS are most relevant to this planning application:

- ACS Policy A: Presumption in Favour of Sustainable Development
- ACS Policy 1: Climate Change
- ACS Policy 2: The Spatial Strategy
- ACS Policy 10: Design and Enhancing Local Identity
- ACS Policy 12: Local Services & Healthy Lifestyles
- ACS Policy 14: Managing Travel Demand
- ACS Policy 17: Biodiversity
- ACS Policy 18: Infrastructure
- ACS Policy 19: Developer Contributions

The Gedling Borough Replacement Local Plan (RLP) should now be referred to as the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014). The following policies of the RLP are most relevant to this planning application:

- RLP Policy ENV1: Development Criteria
- RLP Policy H7: Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes
- RLP Policy T10: Highway Design and Parking Guidelines

Additionally, the Parking Provision for Residential Developments SPD (2012) and the 6C's Design Guide, which deals with highways and transportation infrastructure for new developments, are relevant.

Since planning permission no: 2010/0936 was granted, the Local Planning Document Publication Draft (LPD) has been in preparation, published and now submitted for examination.

Paragraph 216 of the NPPF sets out that from the day of publication, weight may be given to relevant policies in emerging plans depending on how advanced the Plan is

and whether there are extant objections. At the present time, it is considered that the following LPD policies may be given some limited weight:

- LPD 32: Amenity
- LPD 34: Residential Gardens
- LPD 39: Housing Development on Unallocated sites

### Sustainability Considerations

The most relevant policies for this site that need to be considered in relation to sustainability are set out in Section 10 of the NPPF, Policies A, 1, 2 and 14 of the ACS, Policy H7 of the RLP and Policies 34 and 39 of the LPD. The 6C's Design Guide is also relevant.

Section 10 of the NPPF steers new development to areas with the lowest probability of flooding.

Policy A of the ACS requires that, where the development plan is out of date, planning permission should be granted unless:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole; or
- b) specific policies in that Framework indicate development should be restricted.

Policy 1 of the ACS states that all development proposals will be expected to deliver high levels of sustainability in order to mitigate against and adapt to climate change, and to contribute to national and local targets on reducing carbon emissions and energy use. It also states, amongst other things, that development will be supported that avoids areas of current and future flood risk.

Policy 2 of the ACS seeks to provide most development in or adjoining the main built up area.

Policy 14 of the ACS states that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations.

Policy H7 of the RLP sets the approach for dealing with residential development within the urban area and states that planning permission should be granted, subject to a number of specific criteria, which are assessed in detail under the Design and Layout Considerations.

Policy 34 of the LPD states, amongst other things, that development involving the loss of residential gardens will not be permitted unless the development proposal would result in a significant improvement to the urban design of the area.

Policy 39 of the LPD, like RLP Policy H7, states that planning permission will be granted for development on unallocated sites within built up areas subject to amenity

and design considerations.

### *Principle of Development*

Policy 2 of the ACS promotes a strategy of urban concentration with regeneration and seeks to provide most development in or adjoining the main built up area.

I note that the application site is located within the urban area and consists of a derelict building with a large, unmanaged, garden area. In my opinion, this is a good scheme which would represent a significant improvement of a difficult site.

The application site is within the urban area and, as such, I am satisfied that the proposed development accords with the aims of Policy 2 of the ACS, Policy H7 of the RLP and Policies LPD 34 and 39.

### *Accessibility*

I note that the Highway Authority has no objections to the proposed development and consider that the proposed off-street parking provision to serve the development is acceptable.

There are nearby bus stops on Porchester Road and Moore Road, which provide good public transport links to Nottingham City Centre.

I also note the comments of the County Council's Transport and Travel Services, regarding sustainable travel measures being set out in a site Travel Plan, but would advise that the 6C's Design Guide only requires the provision of a Travel Plan where over 80 dwellings are proposed.

### *Flood Risk*

The site is at low probability of flood risk, falling within Flood Zone 1. It therefore avoids areas which have been identified as being of current and future flood risk. In conclusion, I am satisfied that the proposed development can be considered to be reasonably accessible and sustainable in accordance with Section 10 of the NPPF, Policies A, 1, 2 and 14 of the ACS, Policy H7 of the RLP and Policies 34 and 39 of the LPD.

### Residential Amenity Considerations

The relevant planning policies that need to be considered in relation to residential amenity are set out in Policy 10 of the ACS, Policy ENV1 of the RLP and Policy 32 of the LPD.

Policy 10 of the ACS states, amongst other things, that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents and occupiers.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it would not have a significant adverse

effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. This is reflected more broadly in Policy 10 of the ACS.

Policy 32 of the LPD states, amongst other things, that planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, when assessed against various criteria such as overshadowing, overbearing and overlooking impacts.

I have given careful consideration to the potential impact of the proposal on neighbouring residential properties, particularly given the height of the proposal, the levels on the site and adjoining sites, the distances between properties and the individual design of the proposal to address the very specific characteristics of the site.

In my opinion, the design of the proposal would have no undue impact on the residential amenity of adjacent properties. The rear elevation of the building is set back from the rear elevations of 4 Sandford Road and Barclay's Court. The proposed development would have a maximum ridge height 1.9 metres above the ridge of Barclay's Court and steps down in level close to the boundary with 4 Sandford Road.

With regards to windows facing neighbouring properties, the proposed building incorporates oriel windows serving its ground floor level with windows facing away from 4 Sandford Road. The nearest habitable window to the flats at Lombard Court would be a minimum of 15 metres to the rear elevation of this neighbouring property and would be located at an angle and height significantly above the main windows serving this neighbouring building. The rear elevation of the building would be some 25.5 metres from the rear boundary with 7 Hilton Road, and no windows are proposed facing Barclay's Court.

The proposed access ramp would be sited a minimum 12 metres away from the rear elevation of Lombard Court at its highest point on the rear elevation of the proposed building. At this point the ramp would be approximately 6.5 metres higher than the level of the land at the rear boundary of this neighbouring property and 1.5 metres higher than the eaves level of this neighbouring building. The ramp then has a gradient of 1 metre in every 20 metre, meaning that it reaches a level below the ground level of 4 Sandford Road at its nearest point to the boundary with this property.

Whilst I am also conscious that there would be some noise from vehicles using the ramp, this would be limited given the number of vehicles likely to be using the ramp and its gradient. In addition, Public Protection previously advised on the original application that there were unlikely to be any adverse environmental protection issues.

I am satisfied that given the shape and height of the ramp, the ground levels and distances between these properties, and the likely level of activity on the ramp, this feature of the design is acceptable and these factors are sufficient to ensure that the impact of this ramp on these neighbouring residential properties would not be so

significant as to warrant a refusal of planning permission. I have no concerns with regards to the relationship of the ramp with properties at Barclay's Court and 7 Hilton Road, given the distance and orientation of the ramp in relation to these properties.

With regards to the proposed levels of the car park and its relationship with neighbouring properties, I am satisfied that the level differences between properties are acceptable and would not unduly impact on neighbouring amenity. In particular, I note the levels to the rear garden at Lombard Court. The proposed car park would be approximately 0.75 of a metre higher than the neighbouring ground level. Whilst there is a gentle slope along the rear boundary of Lombard Court, the change in level between the south-western corner and north-eastern corner of this boundary is no greater than approximately 0.5 of a metre. A condition can be attached to any consent to state that the boundary treatment to Lombard Court is not as set out on the submitted plans and that precise details be submitted to address any change in level. I consider it likely that a boundary treatment on the Lombard Court site, consisting of a retaining wall and boundary treatment totalling between 2.5 metres and 2.8 metres in height would be sufficient to prevent any undue overlooking impact on the apartments in this property and I am satisfied that such a boundary treatment would not unduly impact on the residential amenity of this neighbouring property. Any impact on the existing garages at Lombard Court, including access for maintenance, would be a private legal matter.

With regards to other neighbouring boundaries, the submitted plans show 2 metre high boundary treatments, measured from neighbouring land levels, and a hedge to the boundary with 7 Hilton Road is to be retained. Precise details of boundary treatments can be conditioned and details of any works to the existing hedge can also be subject of a condition.

Given the above factors, I am satisfied that the proposal would not result in any undue overbearing, overshadowing or overlooking impacts on neighbouring properties.

In my opinion, the proposed development would not have an unduly detrimental impact on the amenity of nearby residents in accordance with the aims of Policy 10 of the ACS, Policy ENV1 of the RLP and Policy 32 of the LPD.

### Highway Considerations

The relevant planning policies that need to be considered in relation to highway matters are set out in Policies ENV1 and T10 of the RLP and the Parking Provision for Residential Development SPD.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development if it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

Policy T10 of the RLP requires reference to be made to the Highway Authority's highway design and parking guidelines when considering proposals for new development.

Under the 'Parking Provision for Residential Developments' SPD, the minimum parking requirement for this proposal would be 20 spaces if each dwelling is allocated 1 space, or 18 spaces if all spaces are unallocated spaces. This is based on a development which counts the proposed studies as bedrooms given their potential to be used as such. I note the proposed parking is for 20 spaces and provided any consent is conditioned to ensure the parking spaces are unallocated, the number of spaces exceeds the minimum requirement for spaces to serve this development.

Whilst I appreciate the highway safety concerns which have been raised by local residents about the proposed car park entrance on Porchester Road, I note that the Highway Authority has no concerns, subject to the imposition of appropriate conditions.

I am mindful of the comments of the Forestry Officer and the concerns about the removal of the protected trees to the boundary with Porchester Road and the impact this could have on the stability of land supporting the adjoining highway. I consider that a condition should be attached to any consent requiring a method statement for the removal of the trees to be submitted prior to the commencement of any works. This information can then be passed on to the Highway Authority for comment before any such details are approved.

It is considered, therefore, that the proposed development would provide access, parking and turning arrangements in accordance with Policies ENV1 and T10 of the RLP and the Parking Provision for Residential Development SPD.

### Design & Layout Considerations

The relevant planning policies which need to be considered in relation to the design of a proposed development of this scale are set out in Sections 6 and 7 of the NPPF, Policy 10 of the ACS and Policies ENV1 and H7 of the RLP. The 6C's Design Guide and the Parking Provision for Residential Development SPD are also relevant.

Section 6 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that local planning authorities should plan for a mix of housing.

Section 7 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; respond to local character and history; and are visually attractive as a result of good architecture and appropriate landscaping.

Policy 10 of the ACS requires all new development to be designed to a high standard and sets out in detail how this should be assessed. All new development should make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment. The most relevant design

elements in this instance include the layout; massing, scale and proportion; materials, architectural style and detailing; impact on the amenity of nearby residents; and the incorporation of features to reduce opportunities for crime and anti-social behaviour.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials. Policy ENV1 also states that development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles.

Policy H7 of the RLP sets the approach for dealing with residential development within the urban area. It states planning permission should be granted provided the development:

- a. It is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- b. It would not result in the loss of buildings or other features, including open space, which make an important contribution to the appearance of the area; and
- c. It is not contrary to other policies in the Local Plan.

Given the constraints of the site, in terms of the significant change in levels from the boundary with Porchester Road and its irregular shape, development of the site necessitates an innovative design solution. The previous application involved extensive negotiations, resulting in the scheme which was approved under application no: 2010/0936 and which the current application seeks to renew.

I am satisfied that the scheme makes effective and efficient use of the site, bearing in mind the considerable constraints in terms of its shape, topography and relationship with adjacent properties, which makes this a difficult site to develop. The contemporary design respects the alignment of existing properties along the frontage of Porchester Road and Sandford Road. The proposed development also incorporates traditional building forms, with pitched roofs and materials including brick elevations and tiled roofs.

The height of the proposal would have an acceptable relationship within the existing street scene and, whilst the ridge of the proposed building would be higher than neighbouring properties, I am satisfied that the difference in levels is not so significant as to have an undue impact on the appearance of the area.

The significant change in levels between the boundary of the site with Porchester Road and the rear of the application site has been overcome through the use of a vehicular access ramp which addresses much of the change in levels within the building footprint. The external part of the ramp sits tightly against the rear elevation of the proposed building, helping to reduce the footprint of the proposal. Precise details of the external face of the ramp can be requested as part of a condition attached to any consent requiring precise details of materials.

I note that the Highway Authority is satisfied with the proposed layout and that off-

street parking provision would be provided in accordance with the Parking Provision for Residential Development SPD.

The recommendations of the Force Architectural Liaison Officer can be drawn to the attention of the applicant by means of an informative note.

Development of the site would also help to reduce opportunities for crime and the fear of crime, disorder and anti-social behaviour, in accordance with the aims of Policy 10 of the ACS and Section 17 of the Crime and Disorder Act 1998.

I am satisfied, therefore, that the proposed development has regard to the appearance of the area and would make a positive contribution to the public realm and create an attractive, safe, inclusive and healthy environment for its residents.

It is considered, therefore, that the design of the proposed development would be in accordance with Sections 6 and 7 of the NPPF, Policy 10 of the ACS and Policies ENV1 and H7 of the RLP.

#### Arboricultural Considerations

Removal of the protected sycamore trees along the Porchester Road boundary is required to enable development of the site. However, the County Council's Forestry Officer has advised that these trees are of low significant quality, due to the inherited physiological defects associated to sycamore trees.

Whilst the trees still offer good amenity value, which would be lost as a consequence of the proposed development, I note that the Forestry Officer considers that the proposed replacement planting of hornbeam is a suitable choice for the site.

I am also mindful that when the previous application was determined, the Borough Council considered that the removal of these trees would be in the interests of good arboricultural practice.

Given the constraints of the site and that the proposed development has been designed to make the most efficient use of the site, the need to provide an appropriate level of car parking has restricted the level of soft landscaping that can be provided.

However, the proposed car park layout has provided an opportunity to increase the depth of soft landscaping towards the rear boundary of the site and I am satisfied that this would provide some visual relief from the hard surfacing proposed, without any undue impact on adjacent properties. The final landscaping details can be controlled by condition.

A condition can be attached to any consent requiring a method statement for the removal of the trees to ensure the stability of land on the application site and adjoining highway is not unduly impacted upon.

With regards to the concerns relating to the presence of Japanese Knotweed on the site, any landscape condition can also require a method statement for the removal of any invasive plants from the site.

In summary, the removal of these trees would enable development of a derelict site, thereby increasing the supply of homes in Gedling Borough and reducing the problems of anti-social behaviour associated with this site. On balance, I consider that these considerations outweigh the amenity value of the protected trees.

### Ecological Considerations

The relevant planning policies that need to be considered in relation to ecological matters are set out in Section 11 of the NPPF and Policy 17 of the ACS.

Section 11 of the NPPF advises, at paragraph 118, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy 17 of the ACS states that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

Whilst I note that the County Council's Nature Conservation Unit would have expected a Preliminary Ecological Appraisal to have been provided with the application, I am satisfied that the imposition of a condition to require this prior to the commencement of development, together with details of any proposed mitigation measures, would be reasonable in this instance.

I am satisfied, therefore, that the proposed development would protect existing areas of biodiversity interest and that the landscaping of the proposed development would provide some new biodiversity features.

As such, I consider that the proposed development would accord with the aims of Section 11 of the NPPF and Policy 17 of the ACS.

### Planning Obligations

The relevant planning policies which need to be considered in relation to S106 planning obligations for infrastructure and local services are set out in Policies 12, 18 and 19 of the ACS and paragraphs 173-177 and 203-205 of NPPF in relation to plan-making and decision-taking.

Policy 12 of the ACS states that where appropriate, contributions will be sought to improve existing community facilities provision, where the scale of residential development does not merit developers providing community facilities provision directly.

Policy 18 of the ACS requires new development to be supported by the required infrastructure (including any necessary community facilities) and that contributions

will be sought from developers for infrastructure needed to support the development. This is in line with the planning obligations tests set out in paragraph 204 of the NPPF.

Policy 19 of the ACS states that all development will be expected to:

- Meet the reasonable cost of new infrastructure required as a consequence of the proposal;
- Where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and
- Provide for the future maintenance of facilities provided as a result of the development.

Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

With regard to educational facilities, I note that the County Council has requested financial contributions towards primary education and consider that this is necessary, reasonable and related to the proposed development in that it is calculated from the number of primary places which the proposed development is expected to generate.

With regard to bus stop infrastructure, I note that the County Council has also requested improvements to nearby bus stops on Moore Road. However, I am mindful that the proposed development is close to a comprehensive bus network and does not give rise to the need for any new bus stops in order for the development to be accessible to public transport linkages. In addition, I also consider that a development of only 10 dwellings is not of a scale that should give rise to significant negative impacts on the existing highway infrastructure and public transport linkages.

In my opinion, therefore, the request for a financial contribution towards improvements to existing public transport infrastructure in the vicinity does not meet the above policy tests in the NPPF, which replicate the statutory tests set out in the Community Infrastructure Levy Regulations 2010.

Other issues

With regard to other issues raised, I would comment as follows:

- Access to the site for the maintenance of adjacent properties is a private legal matter and not a material planning consideration in the determination of this planning application.
- The disposal of surface and foul water would also be dealt with under the Building Regulations.
- Any undue noise, disturbance or dust arising during construction can be controlled under separate legislation.
- There is no information as to how long the proposed development would take to construct and it would be unreasonable to impose a condition requiring the completion of development within a specific time.
- Potential damage to nearby properties due to construction activity is not a material planning consideration.
- The potential devaluation of adjacent properties is not a material planning consideration.

### Conclusion

Given the above considerations, I am satisfied, on balance, that the proposed development makes effective and efficient use of the application site whilst having an acceptable relationship with the character of the area, the amenity of neighbouring residents and the adjoining highway.

The development of the site for housing would increase the supply of homes in Gedling Borough and reduce the potential for crime on a site which has experienced problems of anti-social behaviour.

In my opinion, the above considerations outweigh the amenity value of the protected trees along the Porchester Road frontage, which need to be removed to facilitate the proposed development.

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014), the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), and the Local Planning Document Publication Draft (May 2016), where appropriate.

In my opinion, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is my opinion that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

A planning obligation is being sought in accordance with the requirements of the NPPF.

## **Recommendation:**

**GRANT PLANNING PERMISSION subject to the applicant entering into a Section 106 Agreement with the County Council for a contribution towards primary education and subject to the following conditions:**

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted, other than the means of enclosure of the site and the details of new tree planting adjacent to the boundary with Porchester Road shown on the submitted plans, shall be constructed and implemented in accordance with the following approved plans and documents: Location Plan and Block Plans (0001 Rev A), Proposed Lower Ground Plan (0003 Rev D), Proposed Ground Plan (0004 Rev C), Proposed First Floor Plan (0005 Rev B), Proposed Second Floor Plan (0006 Rev A), Proposed South and East Elevations (0009 Rev C), Proposed Section 1-1 (0010 Rev C), Section BB (0011 Rev B) and Visibility Splay Plan (2000 Rev A), received on 26th September 2016; and Proposed West, North & South Rear Elevations (0008 Rev B), received on 5th January 2017.
3. Before development is commenced a sample of the materials to be used in the external elevations of the building, including to the exterior wall of the proposed vehicular access ramp, shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with approved materials, unless otherwise prior agreed in writing by the Borough Council.
4. Before development is commenced precise details of the materials to be used in the surfacing of external areas outside of the building, including anti-skid surfacing to the proposed ramp, shall be submitted to and approved in writing by the Borough Council. The development shall be constructed in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water (including to the proposed car park and vehicular access ramp) and the disposal of foul sewage from the site and buildings/structures have been submitted to and approved by the Borough Council. The development shall be constructed in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
6. Before development commences a method statement setting out measures to ensure the safe removal of the trees to the boundary with Porchester Road shall be submitted to and approved in writing by the Borough Council. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
7. Before development is commenced, and notwithstanding the details of enclosure shown on the approved plans, there shall be submitted to and approved by the Borough Council precise details of the means of enclosure to the site, including any works to the hedge to the boundary with 7 Hilton Road. The development shall be constructed in accordance with the approved details, which shall be retained for the

lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

8. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing precise details of retaining structures adjacent to neighbouring boundaries; the position, type and planting size of all trees and shrubs proposed to be planted, including where appropriate details of existing trees to be felled and retained; a schedule indicating how the proposed soft landscaping is to be maintained, which should cover a minimum period of five years; and details of how any invasive plants (such as Japanese Knotweed) are to be removed from the site. The approved landscape plan shall be carried out in the first planting season following the substantial completion of the development. If within a period of five years beginning with the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.
9. Before development commences precise details of internal and external lighting to the proposed car park and access ramp shall be submitted to and approved in writing by the Borough Council. The internal and external lighting shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
10. Before development is commenced, details of an access ramp with balustrade to facilitate pedestrian access onto Porchester Road shall be submitted to and approved in writing by the Borough Council. The development shall be constructed in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
11. Before development is commenced precise details of the proposed access gates, which shall be electronic and shall open into the site, together with details of CCTV to monitor access and egress, shall be submitted to and approved in writing by the Borough Council. The approved details shall be installed prior to the occupation of the first dwelling, and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
12. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a Preliminary Ecological Appraisal of the site, including any recommended mitigation measures. Any mitigation measures shall be implemented in accordance with the approved details.
13. The works to trees on the site shall take place outside the bat activity and bird nesting season (March to October inclusive), unless pre-commencement checks for bats and nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any bats or nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences, unless otherwise prior agreed in writing by the Borough Council.

14. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of a scheme for the provision of bird boxes on or within the fabric of a proportion of the houses; bird boxes should target species such as house sparrow and swallow. The scheme shall be implemented in accordance with the approved details before the development is first brought into use, unless otherwise prior agreed in writing by the Borough Council, and shall be retained for the lifetime of the development.
15. Before development commences precise details of salt and grit boxes to be provided as part of the development, and the proposed location of these features, shall be submitted to and approved in writing by the Borough Council. The salt and grit boxes shall be provided in accordance with the approved details prior to the first occupation of the development hereby approved and shall be retained thereafter in accordance with the approved details for the lifetime of the development.
16. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Labour Agreement to cover the construction of the development hereby permitted. The Local Labour Agreement shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
17. No part of the development hereby permitted shall be first occupied until details of a dropped vehicular footway crossing have been submitted to and approved in writing by the Borough Council. The dropped vehicular footway crossing shall be constructed in accordance with the approved details before the development hereby permitted is first occupied and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
18. No part of the development hereby permitted shall be first occupied until details of the proposed means of closure of the existing site access on Sandford Road and re-instatement of the access crossing as footway with full height kerbs have been submitted to and approved in writing by the Borough Council. The existing site access shall be permanently closed and the access crossing reinstated as footway in accordance with the approved details before the development hereby permitted is first occupied and shall be retained as approved for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
19. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4 metres by 43 metres in both directions, as shown on drawing no: 0004 Rev C, are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of any obstructions exceeding 600 millimetres in height for the lifetime of the development.
20. No part of the development hereby permitted shall be brought into use until the access to the car parking areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall thereafter be maintained in such hard bound material for the lifetime of the development.
21. No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5 metres from the rear of the highway boundary, and never exceeding 1:12 thereafter, as shown on drawing no: 0004 Rev C.
22. No part of the development hereby permitted shall be brought into use until the

motorcycle and cycle parking facilities, as indicated on drawing no: 0003 Rev D, have been provided. The motorcycle and cycle parking facilities shall not thereafter be used for any purpose other than the parking of motorcycles and cycles.

23. No part of the development hereby permitted shall be brought into use until the car parking area has been surfaced and drained, and the individual parking spaces have been clearly marked out, as indicated on drawing no: 0003 Rev D. The spaces shall be kept available for unallocated parking in association with the development thereafter. The car parking area shall not thereafter be used for any purpose other than the parking of motorcycles and cycles.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to allow a proportionate approach to minor material amendments.
3. To ensure that the materials to be used in the external elevations of the proposed building are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. To ensure that the means of surfacing of the development, and in particular the ramp (which should have a rough surface), are satisfactory and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that the development is provided with a satisfactory means of drainage, and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with the aims of Section 10 of the National Planning Policy Framework, Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and Policy 1 of the Aligned Core Strategy for Gedling Borough (September 2014).
6. In the interests of public safety and to ensure the structural stability of the adjoining highway is retained, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. To ensure a satisfactory means of enclosure of the site, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
8. To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. In order to protect neighbouring amenity and ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. In order to ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

11. In the interests of crime prevention and in order to ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
12. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
13. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
14. In order to compensate for the loss of trees and shrubs to be removed and to enhance biodiversity, in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
15. In the interests of highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
16. To seek to ensure that the construction of the site provides appropriate employment and training opportunities, in accordance with Policy 4 of the Aligned Core Strategy for Gedling Borough (September 2014).
17. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
18. In the interests of pedestrian and highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
19. In the interests of pedestrian and highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
20. To reduce the possibility of deleterious material being deposited on the public highway, in the interests of pedestrian and highway safety and in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
21. In the interests of pedestrian and highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
22. To promote a sustainable development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
23. To ensure in the interests of highway safety that there is adequate off-street parking provision to reduce the possibilities of the proposed development leading to on-street parking in the area, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

## **Reasons for Decision**

## Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

The proposal makes it necessary to construct a vehicular crossing and re-instatement of redundant crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services on 0300 500 80 80, in order to arrange for these works to be carried out.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how the Borough Council might help decrease levels by incorporating mitigation measures into scheme design as standard. (See: <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>) The Borough Council would also ask that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

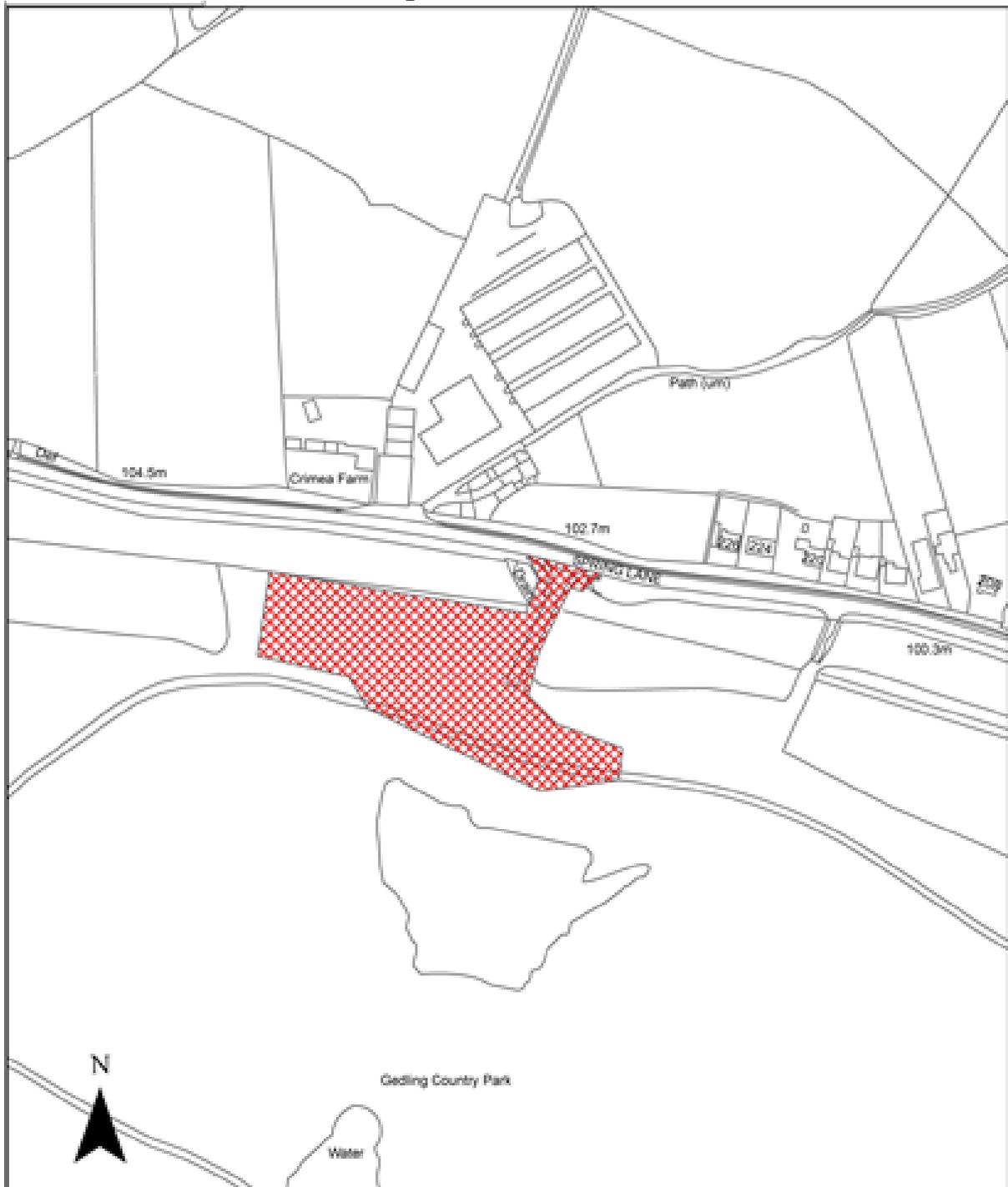
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by providing details of issues raised in consultation responses; requesting clarification and additional information in response to issues raised and providing updates on the application's progress.

This page is intentionally left blank



**Application Number:** 2016/1062  
**Location:** Gedling Country Park, Spring Lane, Gedling, Nottinghamshire



**NOTE:**  
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings

## **Report to Planning Committee**

**Application Number:** 2016/1062

**Location:** Gedling Country Park, Spring Lane, Gedling,  
Nottinghamshire

**Proposal:** Variation of Condition 2 (2016/0788): Erection of visitors centre for country park (sui generis) comprising cafe and wc building, associated landscaping and external works, new paths, foul and surface water drainage, site lighting, external air source heat pump condenser compound, and removal of trees. Creation of 36 space car parking and 2 space coach parking and turning, retention of existing 64 space car parks

**Applicant:** Mr David Wakelin

**Agent:** Mr Mike Harrison

**Case Officer:** David Gray

### **1.0 Site Description**

- 1.1 The application site relates to an area of land within the car park serving the Gedling Country Park, the site of the former Gedling Colliery which covers an area of approximately 110 hectares. The Country Park provides a number of recreational facilities such as picnic areas, walks and potential play areas.
- 1.2 The main visitors' car park is accessed from Spring Lane and is sited towards the northern boundary of the site.
- 1.3 The nearest residential properties are to the north and north-west of the site.

### **2.0 Relevant Planning History**

- 2.1 2015/1228 – To allow the installation of a climbing unit in the Junior Play area at Gedling Country Park, off Spring Lane, Gedling. Conditional Permission 26/11/2015
- 2.2 2015/0954 – Create snack van hardstanding area in Gedling Country Park. Conditional Permission 20/10/2015
- 2.3 2014/0650 – To allow the change of use of land from public car park (sui generis) to a pitch for the siting of an ice cream van (A1 use). Conditional

Permission 10/07/2014

- 2.4 2012/1456 – Creation of a country park, including a new access road, car park for 40 spaces and surfaced paths. Conditional Permission 11/04/2013
- 2.5 2016/0788 – Erection of a Visitors Centre for Country Park (sui generis) comprising Cafe and WC building; associated landscaping and external works; new paths; foul and surface water drainage provision; site lighting; external air source heat pump condenser compound; and removal of trees. Creation of 36 space car park / 2 space coach parking and turning; and retention of existing 64 space car parks.
- 2.6 2016/1028DOC – Discharge of Conditions in respect of planning permission 2016/0788.

### **3.0 Proposed Development**

- 3.1 This Section 73 application is seeking a variation of condition 2 (approved drawings) and the amendment of conditions 3, 4, 5, 6 and 8 with respect to the additional details sought by conditions attached to planning permission 2016/0788 and those conditions previously approved under Discharge of Condition Application 2016/1028DOC.
- 3.2 The amendments sought seek to replace the approved plans and drawings as follows: -
- Drawing 3100/11 Block Plan: rev C replaced by rev E;
  - Drawing 3100/12 Proposed Site Plan: Rev C replaced by Rev E;
  - Drawing 3100/13 Proposed Site Sections: Rev A replaced by Rev C;
  - Drawing 3100/14 Proposed Plans: Rev C replaced by Rev E;
  - Drawing 3100/15 Proposed Elevations: Rev B replaced by Rev D; and
  - Drawing 3100/16 Proposed Views: Rev C.
- 3.3 Effectively the amendments relate to revisions to the elevations and materials of the visitor centre and the omitting of the large canopy over sailing the entrance.
- 3.4 The layout and location of the Visitor Centre would remain as previously approved.
- 3.5 Condition 3, 4, 5, 6 and 8 of 2016/0788 read as follows:
- 3 Before development is commenced there shall be submitted to and approved by the Borough Council a Landscape and Ecological Management Plan which incorporates detailed landscape design proposals including details of planting and species types, tree protection measures and plans to show any changes to existing levels. Measures to be taken for wildlife protection and habitat enhancement should also be incorporated into the Plan such as precautionary methods of working in relation to reptiles, and a pre-commencement walkover to confirm that the site remains free of badger activity. The Landscape Scheme should include species mixes, establishment

methods and maintenance regimes with the use of native species of tree and shrub as well as wildflower seed mixes and wetland planting. A Habitat Creation Strategy should detail the salvage and temporary stockpile of the top 100mm of low-nutrient, seed-bearing substrate in all areas to be affected by the development that currently support semi-improved grassland. The creation of a south-facing 'butterfly bank' using surplus soils, topped with substrate, along the northern side of the new car parking to provide replacement dingy skipper habitat. Once approved the scheme shall be implemented strictly in accordance with the approved details.

- 4 Before development is commenced precise details of any external lighting including proposed hours of use shall be submitted to and approved in writing by the Borough Council. The lighting scheme should accord with the recommendations made in section 4.14 of the Ecological Appraisal and the Bat Conservation Trust's 2014 publication 'Artificial Lighting and wildlife - Interim Guidance: Recommendations to help minimise the impact of artificial lighting. Once approved the lighting scheme shall then be installed and operated in accordance with the approved details at all times.
  - 5 Notwithstanding the submitted details, before development is commenced a Transport Assessment showing the potential increase in vehicle generation at the junction to the Country Park shall be submitted to the Borough Council. The data should form the base-line when assessing the likely implications associated with the development.
  - 6 Following the submission of the Transport Assessment required by condition 5, should the Highway Authority require mitigation measures, an improvements plan at the junction from Spring Lane to the Country Park shall be submitted to and approved in writing by the Borough Council. The improvements plan shall be implemented strictly in accordance with the approved details prior to the development being first brought into use and shall be retained as such for the life of the development.
  - 8 Before development is commenced a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water features shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed strictly in accordance with the approved scheme.
- 3.6 The following documents and studies have been submitted to vary the conditions listed above to reflect the details of the discharge of condition application 2016/1028DOC. Varying the conditions of this application to reflect

these details is compliant with the details of the previous approval:

- Landscape and Ecological Management Plan (DSA environment and design); 1016 002 (Sheet Layout); 1016 003 (Landscape Soft Works West); 1016 004 (Landscape Soft Works East); and 1016 005 (Landscape Soft Works South).
- Transport Assessment (Curtains Ref: TPLE61348 – 22<sup>nd</sup> August 2016);
- Drainage Plan (Ref: SK401 Rev P1-1 dated July 2016).

#### **4.0 Consultations**

##### **4.1 Nottinghamshire County Council Highway Authority –**

The proposal is very similar to the previously approved scheme. The Transport Assessment submitted to support a Discharge of Condition Application 2016/1028DOC has been submitted in connection with this application.

Following submission of these details Conditions 5 and 6 have been satisfactorily discharged by the Local Planning Authority under application reference 2016/1028DOC.

##### **4.2 Nottinghamshire County Council (Ecology) –**

The results of the badger survey and accompanying constraints plan are welcomed. Provided the development is carried out in accordance with the Tomlinson Badger Protection Plan no objections are raised.

The Landscape Plans submitted reflect the pre-submission discussions with the agent, DSA.

The Ecological Management Plan is satisfactory for the details requested by the previous conditions.

##### **4.3 Nottinghamshire County Council (Lead Local Flood Authority) –**

Having considered the details submitted with the Drainage Strategy, Drawing No: GFT01085 – SK401 – P1-1, provided the development is provided in accordance with the details the LLFA raise no objections

##### **4.4 Environment Agency –**

No objections, the site has few constraints as it falls within Flood Zone 1 therefore the Lead Local Flood Authority should be consulted on surface water drainage arrangements. It should be noted that the proposed package treatment plant may require an environmental permit.

##### **4.5 Severn Trent – No comments received.**

##### **4.6 Wildlife Trust – No comments received.**

- 4.7 Natural England – No comments received.
- 4.8 Arboricultural Officer – No objections.
- 4.9 Planning Policy – No objections.
- 4.10 Public Protection (Scientific Officer) – No objections.
- 4.11 Parks and Street Care – No objections.
- 4.12 Neighbouring Properties were notified and a Site Notice and Press Notice were posted advertising a departure from the local plan. 4 letters of representation from the same address were received and the comments can be outlined as follows:
- The Maps are misleading as it appears to show some distance between the road and the proposed car park. The car park can be seen clearly from nearby residential properties;
  - There are mature trees and it is enquired whether these are removed or retained;
  - The traffic assessment was inadequate, and following the previous approval further assessment was required. This was only carried out for a short period of time on a quiet Sunday;
  - Since the children's play park has opened all the neighbouring residential properties can here is screaming children, also the play park is too close to the road;
  - Requests that landscaping works should be undertaken to the road boundary to fill in the hedgerows.

## **5.0 Planning Considerations**

- 5.1 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if it is decided that the original condition(s) should continue.
- 5.2 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended.
- 5.3 Details relating to the following matters remain unaltered from the original planning permission 2016/1168 and do not form part of the material considerations of this s73 application:
- The Principle of Development / Proposed Use;
  - Contamination;
  - Cultural Heritage;
  - Public Benefit;
  - Local Landscape and Visual Impact.

5.4 Details relating to the following matters have been satisfactorily discharged under application reference 2016/1028DOC:

- Nature Conservation / Ecology;
- Transport and Highways;
- Local Residents / Amenity;
- Surface Water Drainage.

5.5 The main planning considerations in the determination of this application are the visual impact of the proposed variations to the elevations and materials and whether the further details submitted in relation to conditions 3 (Landscape Ecological Management Plan), 4 (External Lighting), 5 and 6 (Transport Assessment) and 8 (Drainage Strategy) satisfy the pre commencement requirements of the previous approval 2016/1168.

5.6 The main planning considerations in the determination of this application relate to the Design of the proposal and amendments to the elevations.

## **6.0 Design**

6.1 Paragraph 56 of the National Planning Policy Framework refers to good design. The design and layout of the Visitor Centre and associated development, car park and footpaths should meet the criteria set out in Policy ENV1 of the Replacement Local Plan, in particular (a) it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials, and (b) it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. Whilst LPD Policy 35 can only be given limited weight it includes a number of important criteria including LPD 35 a) ii. Providing clear and safe links to existing routes and LPD 35 a) v. regarding the need to take into account the needs of all users.

6.2 The layout and footprint of the visitor centre has already been considered acceptable under 2016/0788 and meets all the relevant criteria in terms of form, bulk, and layout. The main consideration in the determination of this s73 application is the change to the materials on the external elevations and the omission of the canopy roof. The external elevations of the proposed Visitor Centre are proposed to be rendered with 'Wetherby Silicone Render 7500N (dark grey)' as opposed to the previously approved dark grey cladding. It is my opinion that the conceptual design of the building would remain as originally conceived 'a reflection of the site's past and future'. The dark grey render is comparable to the previous dark grey cladding and would not represent a significant shift from the design that has been previously approved.

6.3 I note that the revised design removes a canopy that was originally to be located above the entrance. Whilst it was considered that this element represented a statement architectural feature, the design of the visitor centre focussed on the two angular blocks reminiscent of the coal formally mined on

site. I consider that the revised design would not detract from the design aims of the project and in my opinion would result in a more subtle and sympathetic building within the landscape.

- 6.4 Having considered the overall design of the proposal I consider that an imaginative contemporary building as proposed is appropriate for the Country Park and its setting, with the landscaping proposals helping to integrate the building within its surroundings. The building would act as a focal point and would make best use of vistas over the country park. I also consider that access to a facility such as this would reflect the broad aims of paragraph 69 of the NPPF, encouraging inclusive communities with high quality public space which would encourage the active and continual use of the Country Park.

## **7.0 Nature Conservation / Ecology;**

- 7.1 I note that the County Council Ecologist supports the range of habitats and soft landscaping that has been submitted with this application (and in relation to Condition 3 of 2016/0788) and that the details have been approved in line with Discharge of Condition Application 2016/1028DOC. I am therefore satisfied that any adverse impacts on local wildlife and ecology would be addressed by the implementation of the Ecological Landscape Management Plan as approved. I am therefore satisfied that the variation of condition 3 to account for the precise details submitted with this application would result in an enhancement to the biodiversity and ecology of the area.
- 7.2 I also note that the County Ecologist has approved the scheme to deal with external lighting under discharge of condition application 2016/1028DOC. I am therefore satisfied that the variation of condition 4 to account for the precise details submitted with this application would address concerns relating to external lighting.

## **8.0 Transport and Highways;**

- 8.1 I note that conditions 5 and 6 of Planning Permission 2016/0788 have been satisfactorily discharged in connection with the Discharge of Condition Application 2016/1028DOC. I am therefore satisfied that there would be no highway safety implications as a result of this development.
- 8.2 Condition 5 would therefore be varied to account for the details of the Transport Statement and Condition 6 would be removed.

## **9.0 Local Residents / Amenity;**

- 9.1 I note the comments with regards to the peace and tranquillity of the park being compromised, however, the Country Park is an existing public open space and the Visitor Centre is proposed to serve the existing users. In light of this I do not consider that the development would result in a significant increase in noise and disturbance. I also consider that the proposal would support the existing Country Park and encourage a wider range of people to

benefit from the facility.

- 9.2 I also note the comments received with regards to the existing children's play area, however, the application relates to the Visitor Centre and the play area was considered on its own merits.
- 9.3 I note the comments in relation to the landscaping and gaps in the hedgerows however, I am satisfied given the distances to the proposed development from neighbouring residential premises and the existing mature vegetation sited adjacent to spring land that there would not be a significant adverse visual appearance from the car parks or the Visitor Centre.

#### **10.0 Surface Water Drainage.**

- 10.1 The site is not located within a flood risk area, however, the Environment Agency Surface Water Flood Map indicates that the former Gedling Colliery site given its topography has a number of surface water flow routes and the proposal should incorporate sustainable drainage systems and features in accordance with ACS Policy 1 and LPD Policy 4 in order to control surface water runoff.
- 10.2 I note that condition 8 of planning permission 2016/0788 reads:
- 8 Before development is commenced a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water features shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed strictly in accordance with the approved scheme.
- 10.3 I note that a Drainage Scheme has been submitted with the Discharge of Condition 2016/1028DOC application and the Lead Local Flood Authority has agreed the details submitted. I am therefore satisfied that the variation of condition 8 to account for the precise details submitted with application reference 2016/1028DOC would address concerns relating to drainage.

#### **11.0 Conclusion**

- 11.1 Having considered the 2016/0788 planning permission, the associated Discharge of Condition Application 2016/1028DOC, and the additional information and proposals in the s.73 Application (ref: 2016/1062), I am satisfied that there are no material planning considerations which would prevent the variation of conditions to account for the minor amendments to the design of the Visitor Centre and the further details submitted to satisfy the requirements of previous planning conditions.

## **Recommendation:**

**To GRANT PLANNING PERMISSION subject to the following conditions:**

### **Conditions**

1. The development must be begun not later than three years beginning with the date of 15th August 2016.
2. The development hereby approved shall be completed strictly in accordance with the original plans received on 5th July 2016, document no's: Design and Access Statement (First Issue 05/07/2016); Arboricultural Assessment (July 2016); Ecological Appraisal (July 2016); Non-residential Mining Report (51001175308001); Transport Assessment (TPLE61348) and the plans, details and application forms received on 29th September 2016: Job Number 3100 - document no's: 10 (Site Location Plan) Rev E; 11 (Block Plan) Rev E; 12 (Proposed Site Plan) Rev F; 13 (Site Sections) Rev D; 14 (Proposed Plans) Rev F; 15 (Proposed Elevations) Rev E; 16 (Proposed Views) Rev C; 1016 002 (Sheet Layout); 1016 003 (Landscape Soft Works West); 1016 004 (Landscape Soft Works East); and 1016 005 (Landscape Soft Works South).
3. The development hereby approved shall be completed strictly in accordance with the Landscape and Ecology Management Plan dated 19th September 2016 and drawing no's: 1016 002 (Sheet Layout); 1016 003 (Landscape Soft Works West); 1016 004 (Landscape Soft Works East); and 1016 005 (Landscape Soft Works South).
4. The development hereby approved shall be completed strictly in accordance with the details contained within the External M&E Services Plan prepared by ABSN, dated 29th July 2016, drawing no: NT0205-AG-DR-ME-4001.
5. The development hereby approved shall be completed strictly in accordance with the details contained within the Transport Statement prepared by Curtains: ref TPLE61348.
6. Condition deleted/removed.
7. In order to mitigate any potential ground gases the development should incorporate the installation of a gas / vapour protection membrane. The membrane should be installed by a suitably qualified person (i.e. NVQ level 2 Diploma in Sub-structure Work Occupations (Construction) - Installed of Gas Membranes, or equivalent), and the installation is inspected by a suitably qualified third party, before any floor finish is placed. A verification report should be submitted to the Council based on the Council's gas membrane proforma (available on request) including photographic evidence. The Verification Report should be submitted to the Borough Council for approval prior to the proposed building first being occupied.
8. The development hereby approved shall be completed strictly in accordance

with the drainage plans received in relation to application reference 2016/1028DOC dated July 2016 drawing no: SK401 Rev P1-1.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the provision of ecological enhancements to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
4. To ensure there is no adverse impacts on the local bat population as a result of the Visitor Centre in line with paragraph 118 of the National Planning Policy Framework (March 2012).
5. In the interests of highway safety.
6. Condition Removed.
7. In order to safeguard against the potential risks from ground conditions in accordance with ENV3 of the Replacement Local Plan (Certain Policies Saved 2014).
8. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development is in accordance with the fundamental aims of National Planning Policy Framework, the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008), and the Aligned Core Strategy.

### **Notes to Applicant**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included seeking additional information in order to assess the application and its impacts.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in

this location.



## Report to Planning Committee

**Planning Enforcement Reference:** 0029/2014

**Location:** Land and buildings at 8 Shorwell Road, Carlton, NG3 7HG

**Breach of Planning Control:** Material change of use of residential dwelling and garden to a mixed use of residential dwelling and garden and a sales business and the storage of items in connection with that business.

### 1 Site Description

- 1.1 The property No.8 Shorwell Road is a semi-detached residential property. It is positioned in a residential area of other similar semi-detached houses occupying a prominent corner plot on a no-through small estate road and is surrounded by garden on three sides.
- 1.2 Access to the dwelling is via a short drive way from Shorwell Road to the front western elevation of the property. Shorwell Road bends to the right around the northern elevation and side garden of the property and into a cul-de-sac. There is a second short drive way just past the bend from Shorwell Road to the domestic garage at the rear of No. 8, close to the boundary of No. 10 and along the eastern boundary of the garden.
- 1.3 The garden immediately in front of the dwelling and drive way along the western elevation is open plan but a 2 metre close boarded fence has been erected from the north western corner of the dwelling to the boundary with the highway and around the rest of the garden to the side and rear. The driveway leading to the garage at the rear of the dwelling does not have gates and is open to the public view.
- 1.4 A second 1.8m high close boarded fence has been erected from the north elevation of the dwelling to the northern boundary garden fence with No.10 Shorwell Road, sub dividing the side and rear garden into two distinct areas. Three sheds together and other additional smaller storage containers have been erected in the smaller of the two areas closest to Shorwell Road and this area is used for the business and storage of items for sale. A fourth shed has been erected in the second area of divided rear garden and is used for private storage. The tops of the shed can be seen from Shorwell Road over the 2 metre close boarded fence.

### 2 Planning History

- 2.1 There is no relevant planning history to this site.

### 3 Background

- 3.1 The Council first received complaints about disturbance from activities and the

visual appearance of No. 8 Shorwell Road in February 2014.

- 3.2 In January 2017 a Council Officer reviewed the outstanding files and visited the site. The four sheds in the garden were easily visible over the 2 metre boundary fence. There were items stored in the open in part of the rear garden and on the roof of two of the sheds. There was an empty trailer, several hose pipes, a large white tarpaulin and a number of other items stored on the drive way leading to the front door of the property and a large white box trailer covered in green mould with a damaged axle and a smaller trailer full of rubbish and waste items and other items on the ground stored on the driveway leading to the rear garage.
- 3.3 In addition there were two very large transit vans parked on the highway outside of the property. The transit vans were also covered in green mould and appeared to be used for storage and were full of domestic items and rubbish, including items stored on the front passenger seats making it impossible to carry any passengers without removing some of the items.
- 3.4 A Planning Contravention Notice was served on the occupier of No. 8 and on Monday 23rd January 2017 the occupier attended a meeting at the Council Offices to discuss the activities and the condition of their property. The occupier admitted that they are running a market trading business from home. The occupier stated that they attended at auctions on a Saturday at Nottingham Cattle Market and on a Tuesday at Shirebrook. Any items that are not sold at the auctions are often given to them free of charge providing they take them away. These items are stored at the address until the occupier sells them, usually at the market in Hyson Green on a Wednesday.
- 3.5 The items are stored in their sheds, in their garden and in the two transit vans parked on the highway. The occupier stated that he began to operate the business sometime after 2005.
- 3.6 On Monday 6th February 2017 two officers attended at the property and access was gained to the garden and the sheds and the premises were found to be in a similar condition to that described above. The occupier again confirmed the items stored in the open, in the sheds and in the two transit vans were not personal items but items they wanted to sell at the market. Access was not gained to the garage because the occupier claimed they had lost the keys to the garage.

#### **4 Assessment**

- 4.1 No. 8 Shorwell Road is a residential property with a small garden in close proximity to other similar semi-detached dwellings. The use of the premises to operate a sales and associated storage business is not incidental to the enjoyment of the dwelling house and requires planning permission. No such permission has been granted.
- 4.2 Although development has occurred without planning permission and is therefore unauthorised, local planning authorities are required to consider government guidance when deciding whether to take planning enforcement action. Government guidance is found in the National Planning Policy Framework (NPPF) (Paragraph 207) and states that although effective enforcement is important as a means of maintaining public confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.

- 4.3 The main considerations when deciding whether to take enforcement action in this case are;
- i) whether the use of the dwelling for a sales and associated storage business has any detrimental effect on the amenities of other occupiers of nearby dwellings, on highway safety or the character of the area.
  - ii) whether the Local Planning Authority is within the ten year time limit for taking action for a material change of use of the land.

#### Planning considerations

- 4.4 In relation to the development the most relevant paragraphs of the NPPF are paragraph 9 which seeks positive improvements in the conditions in which people live, work and travel, paragraph 58 setting out the quality of development expected for an area and paragraph 123 minimising adverse impacts from new developments.
- 4.5 At the local level, the development plan comprising of the adopted Gedling Borough Aligned Core Strategy (ACS) Part 1 Local Plan Policy 10 Design and Enhancing Local Identity; Draft Local Planning Document (LPD) for Gedling Borough (published but not yet adopted) Policy LPD 32 Amenity and saved policies within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2014 (RLP): Policy ENV1 Development Criteria, are relevant.
- 4.6 The open plan driveways are being used to store items and trailers full of poor quality unsold goods and rubbish obtained from local auctions. The white box trailer with a broken axle on the rear drive way is covered in green mould and looks unsightly. The two large transit vans parked on the highway outside of the property are also covered in green mould and are also unsightly and are being used for the storage of rubbish and items from the auction.
- 4.7 The side and rear garden has been sub divided into two; one area used for the unauthorised business to keep and store items and goods left over from the auctions and intended for sale at a later date and the other half for private residential use. The part of the garden used for the business contains three sheds in very poor condition as well as additional plastic storage units. The sheds are also full of poor quality items from the auction. One of the sheds has been leaking water from the roof and the contents of the shed are sodden and rotting and smell and are an attraction for vermin.
- 4.8 The land and buildings will be seen from neighbours' upstairs bedroom and landing windows. The open drive ways are visible from the street and neighbouring properties and the tops of the sheds are seen from over the 2 metre high fence.
- 4.9 Complaints received advise that items are sold by the occupier on both the internet and at markets. When the occupier attends markets, it is advised there is activity from 3.30 – 4am and this disturbs nearby residents from their sleep as vans are loaded with items stored in the sheds. Concern is also raised that visitors attend the site to collect goods they have bought from the internet or earlier at the market. On occasions it is alleged that items are dropped in the road when the operator of the business is unloading their vehicle and are left broken on the highway. Neighbours are left to clear the road of glass and other broken items.
- 4.10 The condition of the land with dilapidated sheds and items and rubbish stored on the

land and the visual look of the two transit vans is detrimental to the visual amenity of local residents and visitors to the area. The noise created by the occupier loading their vans in the early hours disrupts and disturbs neighbours sleep and is detrimental to their health and well-being. In addition, items' over-spilling from the vehicles and being dropped in the highway when the operator is loading and unloading their vehicles is detrimental to highway safety.

- 4.11 It is considered that the unauthorised storage and sales business operating from No. 8 Shorwell Road is in conflict with the above policies at paragraphs 4.7 and 4.8 which all seek development of a high standard and development that does not adversely affect the area in which it is located but provides good living standards and which makes a positive contribution to the public realm and sense of place.

#### Time Limits

- 4.12 The time limit for taking action for a material change of use of the land is 10 years. The occupier has stated that they are uncertain when the business use began but that it was sometime after 2005.
- 4.13 The Encyclopaedia of Planning Law advises that "Pinpointing the date of a change of use can be problematic because a change of use is frequently a gradual process involving fluctuations in intensity and shifts in precise location. ...the only effective test is to compare the present use with the ...use in the base year."
- 4.14 Aerial photographs taken in 2007 and 2008 show a low 1 metre high fence round the boundary of the garden where the now 2 metre fence is located. It shows the garden undivided and only two sheds in the garden and the rear driveway to the garage clear of any items. A later photograph taken in 2011, shows there was still only two sheds in the garden and one transit van parked in the driveway leading to the garage.
- 4.15 The onus is on the occupier of the land to show that on the balance of probabilities the unauthorised use has continued uninterrupted at a level that changed the character of the land for at least ten years.
- 4.16 In this case the evidence available to the Council strongly suggests that the storage and sales business was established less than 10 years ago and the Council is within time to issue an enforcement notice requiring the use to cease.

#### Human Rights

- 4.17 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.18 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice or pursuing formal proceedings in the Magistrates

Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place and depending on compliance with the notice it might well be justified to take court action.

#### Equalities

- 4.19 The Enforcement section operates in accordance with the Councils Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate and which are in accordance with the Councils policy and government legislation.
- 4.20 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Councils published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

#### Crime and disorder

- 4.21 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.
- 4.22 In light of all the facts it is now considered expedient to serve an enforcement notice to require the cessation of the unauthorised business use of the land and removal of the sheds and other associated structures and items not considered incidental or ancillary to the domestic use of the dwelling.

### **5 Conclusion**

- 5.1 A serious breach of planning control has been identified which is detrimental to the amenities of nearby occupiers of other residential properties, highway safety and the character of the area.
- 5.2 The breach conflicts with both national and local policies. Negotiations have failed to rectify the breach and failure of the Council to act in these circumstances may leave local residents with a business which adversely affects their health and well-being and is detrimental to the amenity of the area and which is beyond the control of the Council.
- 5.3 The Council should now issue a planning enforcement notice without delay requiring the cessation of the unauthorised business, removal of the unauthorised sheds and

associated containers and all other items not incidental to the enjoyment of the dwelling stored on the land and if the notice is not complied with formal action should be taken through the courts if necessary.

**Recommendation:**

That the Service Manager, Development Services be authorised to take all enforcement action including the service of any necessary enforcement notices and proceedings through the courts in conjunction with the Director of Organisational Development & Democratic Services to ensure (a) the cessation of the unauthorised business use (b) the removal of the sheds and other associated structures and items not considered incidental or ancillary to the domestic use of the dwelling be removed from the land.



## Report to Planning Committee

**Planning Enforcement** 0010/2017

**Reference:**

**Location:** 1 Central Avenue South, Arnold, NG5 6NG.

**Breach of Planning Control:** Land detrimental to the amenity of the area.

### 1 Site Description

- 1.1 No. 1 Central Avenue South, Arnold is a detached residential property. It is positioned in a popular residential area of other similar detached houses and bungalows on the prominent corner of Central Avenue South and Central Avenue and within a few hundred metres of Arnold town centre.
- 1.2 Access to the front elevation of the property is via a pedestrian gateway and a separate vehicle access consisting of two brick built archways with solid wooden gates from Central Avenue South. There is a second vehicular access to a newly built double garage and the rear garden of the property through large wooden gates from Central Avenue.
- 1.3 The garden area and the ground floor of the dwelling are well screened by the wooden gates and a two metre high well maintained hedge. However the dwelling above ground floor level is widely visible from Central Avenue, Central Avenue South and Castleton Avenue which meets with Central Avenue to the south east of the dwelling.

### 2 Relevant History

Reference	Description	Outcome	Date
0010/2017	Enforcement investigation into allegation of land and buildings detrimental to the amenity of the area	On - going	Complaint received 10.01.2017-
037/2016	Enforcement investigation into alleged breach of planning control and untidy land	No breach of planning control. On-going lawful works being carried out. File closed	Complaint received 18.02.2016 Closed 20.04.2016

2002/1630	Erect 2 storey extension, garage and conservatory, entrance, porch and internal conversions	Conditional Permission	09.10.2002
85/1098	Erect garage and extend the property	Conditional permission	20.09.1985

### **3 BACKGROUND**

- 3.1** Planning permission (Reference 2002/1630) was granted to No. 1 Centra Avenue South on the 9th October 2002, to erect a two storey extension, a double garage and conservatory, a new entrance porch and internal alterations. Council records show that the development commenced immediately in October 2002.
- 3.2** The works were extensive and required scaffolding to be erected around the dwelling. When works began on the roof of the dwelling, thirteen years ago, the property was made weatherproof with large blue tarpaulins tied firmly over the roof area and attached to the scaffolding poles.
- 3.3** The works have never been completed and in February 2016 the Council received a complaint about the unsightliness of the ongoing works and in particular the blue tarpaulin over the roof.
- 3.4** An investigation was carried out by the enforcement officer in post at that time and it was found that there was no breach of planning control as the development was in accordance with the approved plans. It was agreed with the owner of the property that the works to the roof would be completed by Christmas 2016 and the blue tarpaulin and scaffolding would be removed at that time. The file was then closed.
- 3.5** In January 2017, the Council received a further complaint about the impact the unfinished work was having on the area and as a result a meeting recently took place between a Council Officer and the owner of the property.
- 3.6** The owner of the property agreed that they had given an undertaking to complete the roof and remove the tarpauling and scaffolding by Christmas 2016 but stated they had not been able to keep to that deadline. They stated that the development had taken so long because of various difficulties but they offered to complete the roof and remove the tarpaulin and scaffolding by June of this year (2017).

### **4 ASSESSMENT**

- 4.1** The dwelling is on a prominent corner plot in a popular residential area of

generally well maintained detached dwellings. This development commenced fifteen years ago and has been on going ever since. The scaffolding and blue tarpaulin across the roof line have been in position for thirteen years and although the tarpaulin is changed every 6 – 12 months it is still very conspicuous and obtrusive from wide views along Central Avenue South and from the main route leading from the town centre along Central Avenue.

- 4.2** It is expected that during building works a site will look disorderly and unkempt but this should be for a limited time if the works are carried out efficiently. The land and buildings should then be restored to a tidy condition at the earliest opportunity to minimise any adverse impact on the area.
- 4.3** It is highly unusual for works to continue for fifteen years or more and the impact of such an occurrence on the occupiers of neighbouring properties cannot be underestimated and must be given consideration. The continuing work, the scaffolding and starkness of the blue tarpaulin over the roof line of the property for such a length of time is detrimental to the amenity of the area and to the visual amenity of local residents, particularly people living opposite the and immediately next door to the property and to visitors to the area.

#### Available action

- 4.4** Section 215 (s215) of the Town & Country Planning Act 1990 (the Act) provides a local planning authority (LPA) with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied.
- 4.5** The Government's Best Practice Guide states "Section 215 has been effectively used on large vacant industrial sites, town centre street frontages, rural sites, derelict buildings, and semi-complete development..... Any discussions should not be allowed to result in undue delay in terms of yielding results".
- 4.6** There is a right of appeal against the s215 notice to the Magistrates Court. The grounds of appeal available to a recipient of a notice include;
- "the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from the carrying on of operations or a use of land which is not in contravention of Part III".*
- 4.7** Although the owner of No. 1 Central Avenue South may seek to use this defence in appealing the notice, it is considered the Council would successfully argue that fifteen years to build an extension on an existing dwelling is not usual and in the ordinary course of events.
- 4.8** If the notice is not complied with Local Planning Authorities have the option of prosecuting the owner for non- compliance or the Authority may carry out the

work itself and recover the costs of doing so from the owner or occupier of the site.

### Human Rights

- 4.9** Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.10** In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place and depending on compliance with the notice it might well be justified to take court action.

### Equalities

- 4.11** The Enforcement section operates in accordance with Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate and which are in accordance with the Council's policy and government legislation.
- 4.12** The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

### Crime and disorder

**4.13** The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

## **5 CONCLUSION**

**5.1** The on-going work and the dwelling surrounded by scaffolding and with a blue tarpaulin over the roof line for more than thirteen years is not the usual course of events. The scaffolding and starkness of the blue tarpauling over the roof is detrimental to the amenity of the area and to the visual amenity of the occupiers of neighbouring properties and visitors to the area.

**5.2** Although the owner of the property has given an undertaking to complete the work on the roof and remove the scaffolding and tarpaulin by June 2017, they has given similar undertakings previously but the work has not been undertaken. In order to ensure the works are now progressed and the injurious scaffolding and tarpauling are removed it is considered expedient to serve a notice under S215 of the Town and Country Planning Act 1990 to prevent the continuing detrimental impact the unfinished development has on the amenity of the area.

### **Recommendation:**

To note the report.

This page is intentionally left blank



## Report to Planning Committee

**Application Number:** 2013/0836

**Location:** Cornwater Fields, Longdale Lane, Ravenshead.

**Proposal:** Residential development of up to 70 dwellings, including access, equipped play area and open space

In October 2014, outline planning permission was granted for the erection of 70 dwellings, including access, equipped play area and open space, under application no: 2013/0836. This permission was, amongst other things, subject to a Section 106 planning obligation with the Borough Council for the provision of nine affordable two-bedroom bungalows on the site and a commuted sum for the provision of 12 affordable units off-site.

In February 2016, an application was made to the Borough Council under Section 106BA to remove the whole of the affordable housing requirement from the planning obligation attached to outline planning permission no: 2013/0836 on viability grounds.

The application was due to be considered by the Borough Council at the meeting of the Planning Committee on 20<sup>th</sup> July 2016, but prior to this an appeal against the non-determination of the application was lodged with the Planning Inspectorate and a Hearing was held at the Civic Centre on 15<sup>th</sup> November, 2017. It was resolved therefore that the Borough Council defended the appeal on the grounds that the affordable housing requirement in the planning obligation attached to outline planning permission no: 2013/0836 should continue to have effect without modification or replacement.

The appeal has been **allowed**. In reaching this decision, the Inspector concluded (in summary) that:

1. The main issue is whether the development would be economically unviable while subject to the affordable housing requirements in the Section 106 Agreement and, if so, how the requirements could be modified so that the development would become viable.
2. The elements of viability in dispute which were considered by the Inspector were Scheme Viability, Affordable Housing Values, Build Costs, Construction Contingency, Developer's Profit, Finance Costs, Professional Fees, Statutory Fees and Warranties and Legal Fees.
3. Having assessed each of the above elements in detail, the Inspector concluded on the basis of the evidence before him that the appellants had made a convincing case to support their assumptions in each of the areas of dispute with the Council. This inevitably led him to the conclusion that the development is economically unviable while subject to the affordable housing requirements in the Section 106 Agreement. Full removal of the affordable housing requirements would be necessary for it to become viable, which would also require a willing developer to proceed on the basis of reduced profit.
4. The Inspector noted the Borough Council's concern that, if the appellants' case was

accepted, the result would be that a greenfield site with limited need for abnormal construction costs, in a desirable part of the Borough, would not be able to deliver the policy requirement for affordable housing. However, the Inspector considered that this is to overlook the significance of the additional requirement for 30% of the development to be made up of bungalows, subject to age-restricted occupancy. As a result of this constraint, the housing scheme is not a typical development and different assumptions of costs and values come into play.

5. The extent of modifications to the Section 106 Agreement necessary to make the development viable was discussed at the Hearing and provisionally agreed. The Inspector considered that the changes outlined were all reasonable and necessary and modified the Agreement in that way. The modifications will endure for a period of three years from the date of the appeal decision.

**Recommendation:**

That the information be noted.



## Report to Planning Committee

**Application Number:** 2016/0534

**Location:** 19 Kighill Lane, Ravenshead.

**Proposal:** Residential development on land to south-east of Kighill Lane to provide 16 No. 2 bedroom retirement bungalows.

Planning permission was refused by the Borough Council on the 25<sup>th</sup> August 2016 on the following grounds:

1. In the opinion of the Borough Council, the proposed development would constitute inappropriate development in the Green Belt by virtue of not serving the five purposes of land within the Green Belt. Therefore, in the absence of any very special circumstances the proposed development would, by definition, be harmful to the Green Belt contrary to the guidance contained within the National Planning Policy Framework (2012).
2. By virtue of its isolated location any residents would be naturally inclined to be heavily reliant on private motor vehicles to access services and facilities. It is the opinion of the Borough Council that the development would therefore not represent sustainable development, contrary to paragraph 55 of the National Planning Policy Framework.
3. In the opinion of the Borough Council the high density of the proposed development would not reflect the pattern of development in the immediate surrounding area and would not add to the overall quality of the area enhancing local identity. The proposal is therefore contrary to Section 7 of the NPPF and Policy 10 of the Aligned Core Strategy (September 2014).

An appeal against this decision was subsequently lodged with the Planning Inspectorate. This appeal has been **DISMISSED**.

The inspectors Conclusions:

1. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a loss of openness and harm to the character and appearance of the area.
2. Whilst I have afforded significant weight to the benefits of the development, having considered all matters raised in support of the proposal, I conclude that, collectively, they do not clearly outweigh the harm I have identified in relation to the Green Belt by reason of inappropriateness, as well as the loss of openness and harm to the character and appearance of the area. Accordingly, very special circumstances do not exist and the proposal would conflict with Policies 3 and 8 of the Aligned Core Strategy and the Framework.

**Recommendation:**

To note the information.

This page is intentionally left blank

## **ACTION SHEET PLANNING DELEGATION PANEL 20th January 2017**

2016/0585TPO

Glebe Farm Glebe Drive Burton Joyce

Crown lift all trees to 2.5m, remove all existing Elder, fell three Ash trees as indicated on plan due to poor health/split trunks.

The proposed development would have no undue impact on the health or vigour of the protected woodland and the Arboricultural Officer supports the works.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork, Parish to be notified.

2016/1059

Wickes Mansfield Road Daybrook

Retention of OPC racking and lighting

The proposed development would have no undue impact on the residential amenity of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2016/1217

26 Digby Avenue Mapperley NG3 6DU

Ground floor front extension, raise eaves and ridge height to create first floor, balcony to rear elevation, roof lanterns to existing flat roof area and detached double garage to front garden.

The proposed development would have no undue impact on the character of the area, highway safety, or on the amenities on neighbouring residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2016/1256

38 Vernon Crescent Ravenshead Nottinghamshire

Ground floor and first floor extensions to existing bungalow and bin and log store to front garden.

The proposed development would have no undue impact on the character of the area, highway safety, or on the amenities on neighbouring residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork, Parish to be notified

**David Gray - 20th January 2017**

## **ACTION SHEET PLANNING COMMITTEE 25th January 2017**

### **PLANNING APPLICATIONS**

2016/0989

284 Longdale Lane Ravenshead Nottinghamshire

The retention of the equestrian and residential access, the change of use of land from agricultural to equestrian and the erection of boundary treatment.

Application **withdrawn** from agenda.

2016/1106

19 Nell Gwyn Crescent Bestwood Nottinghamshire

Proposed new single family dwelling

Planning permission **refused** as per report.

Bestwood Parish Council to be notified following issue of decision.

**SS**

### **ITEMS FOR INFORMATION**

Five Year Housing Land Supply Assessment 2016

Noted.

Planning Delegation Panel Action Sheets

Noted.

Future Planning Applications

Noted.

**Nick Morley, Principal Planning Officer**  
**26th January 2017**

This page is intentionally left blank

## **ACTION SHEET PLANNING DELEGATION PANEL 3rd February 2017**

2016/1237

94 Main Road Ravenshead NG15 9GW

Re-site garage to front and change existing garage to games room

The proposed garage would not have an adverse impact on the street scene due to the substantial frontage and proposed set back from the highway.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork. Parish to be notified of decision.

2016/1264

Adjacent 1 Greys Road Woodthorpe

Proposed two storey house & single storey extension connected by a lobby

**The Panel recommended that the application be determined by Planning Committee due to the significant number of representations received in relation to the proposal.**

2016/1297

8 Storey Avenue Gedling Nottinghamshire

Proposed side and rear extensions, raising of ridge level to provide new first floor and detached garage.

The proposed development would be in keeping with the character of the area and would not lead to a reduction in residential amenity for the occupiers of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2016/1311

16 Bakewell Avenue Carlton Nottinghamshire

Proposed dormers in existing roof to create bedroom and en-suite. Front extension forming garage with rear garage conversion to kitchen. New boundary front wall with entrance gates.

The proposed extensions and alterations would be in keeping with the character of the area and would not have an adverse impact on the occupiers of adjacent properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2016/1326

64A Redland Grove Carlton Nottinghamshire

Demolition of conservatory. Erection of single storey extension.

The proposed development is subservient and would not lead to an increase in overlooking onto adjacent properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

Mike Avery, Service Manager – Development Services  
**3rd February 2017**

## **ACTION SHEET PLANNING DELEGATION PANEL 10th February 2017**

2016/1303

40 Foxhill Road Burton Joyce NG14 5DB

Proposed Two Storey Rear Extension and Internal Alterations.

The proposed development would have no undue impact on the amenity of neighbouring properties or on the character or appearance of the streetscene.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2016/1305

103 Broadfields Calverton NG14 6JQ

Demolition of existing garage.

New 2 storey side extension, single storey front extension, single storey rear extension and internal alterations.

**Withdrawn from Agenda.**

2016/1313

2 Broadway East Carlton NG4 1AG

Outline consent to construct chalet bungalow in rear garden.

The proposal of a residential chalet bungalow is acceptable in principle subject to detailed design and impact on neighbouring amenity. Reserved matters should consider the omission of rear dormers to protect neighbouring amenity.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2016/1316

5 Olive Grove Burton Joyce NG14 5FG

Proposed garage conversion & external remodelling

The proposed development would have no undue impact on the character and appearance of the area or on the amenity of adjoining residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2016/1317

40 Shelt Hill Woodborough NG14 6DG

Demolition of one building, renovation of a second building with extensions to create a large passive house family home.

**Withdrawn from Agenda.**

2016/1325

18 Sheepwalk Lane Ravenshead NG15 9FE

Demolish existing bungalow and replace with 5 bedroom executive house

The proposed development would be acceptable in principle subject to the reserved matters accounting for the detailed design and impact on neighbouring residential amenity.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2016/1332

31 Weaverthorpe Road Woodthorpe NG5 4ND

Single storey extensions to front, rear and side. Detached outbuilding.

The proposed development would have no undue impact on the amenity of neighbouring residential properties or on the character and appearance of the streetscene.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**David Gray - 10th February 2017**



## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 22 February 2017

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Control.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2014/0273	Land At Corner Of Longdale Lane And Kighill Lane.	Site for residential development.	22/03/2017
2016/0854	Metallifactory, Mansfield Road.	Erection of 72 dwellings and new vehicular access from Mansfield Road.	22/03/2017
2016/0875	Earl Of Chesterfield 37 Carlton Hill, Carlton.	Demolish pub & erect 3 storey mixed use building consisting of 3 retail units & 14 flats.	22/3/17

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

**Recommendation:**

To note the information.

This page is intentionally left blank